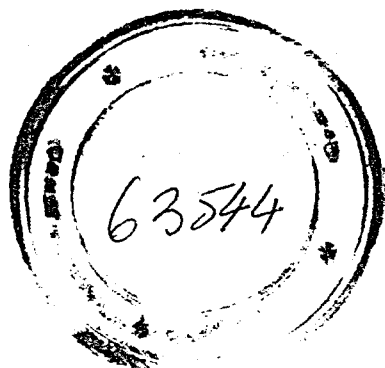


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THE
LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE FIRST SESSION OF THE FIFTH
LEGISLATIVE ASSEMBLY)

278

VOLUME I—1935.

LEGISLATIVE ASSEMBLY.

Monday, 21st January, 1935.

The Assembly met in the Assembly Chamber of the Council House in New Delhi at Eleven of the Clock, being the first day of the meeting of the Fifth Legislative Assembly, pursuant to S. 63D (2) of the Government of India Act.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Secretary of the Assembly: The following Message has been received from His Excellency the Governor General:

(The Assembly received the Message standing.)

"In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint Lieutenant-Colonel Sir Henry Gidney, Kt., M.L.A., to be Chairman of the Legislative Assembly with effect from the morning of Monday, the 21st January, 1935.

(Signed) WILLINGDON,
Viceroy and Governor General."

NEW DELHI;

The 18th January, 1935.

[Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official), amidst applause, proceeded from his seat in the Chamber and ascending the steps stood before the Chair, where he made the oath of allegiance.]

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): In order that the first meeting of the Fifth Legislative Assembly, may be fully constituted, Members will now take the oath or make the affirmation of allegiance to the Crown in the manner prescribed in the order in which their names are read out by the Secretary.

(The Chairman then occupied the Chair, and the following Members took the oath or made the affirmation of allegiance.)

MEMBERS SWORN:

The Honourable Sir Nripendra Nath Sircar, Kt. (Law Member);
 The Honourable Sir Joseph Bhore, K.C.S.I., K.C.I.E., C.B.E. (Member for Commerce and Railways);
 The Honourable Sir Frank Noyce, K.C.S.I., C.B.E. (Member for Industries and Labour);
 The Honourable Sir Percy James Grigg, K.C.B. (Finance Member);
 The Honourable Sir Henry Duffield Craik, Bart., K.C.S.I. (Home Member);
 Mr. S. Satyamurti, M.L.A. (Madras City: Non-Muhammadan Urban);
 Mr. V. V. Giri, M.L.A. (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural);
 Mr. Kasinadhuni Nageswara Rao Pantulu, M.L.A. (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural);
 Mr. Gogineni Ranganayakulu Garu, M.L.A. (Guntur *cum* Nellore: Non-Muhammadan Rural);
 Mr. M. Anantasayanam Ayyangar, M.L.A. (Madras ceded Districts and Chittoor: Non-Muhammadan Rural);
 Mr. T. S. Avamashilingam Chettiar, M.L.A. (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural);
 Mr. C. N. Muthuranga Mudaliar, M.L.A. (South Arcot *cum* Chingleput: Non-Muhammadan Rural);
 Dr. T. S. S. Rajan, M.L.A. (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural);
 Mr. P. S. Kumaraswami Raju, M.L.A. (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural);
 Mr. Samuel Aaron, M.L.A. (West Coast and Nilgiris: Non-Muhammadan Rural);
 Mr. Umralisha, M.L.A. (North Madras: Muhammadan);
 Maulvi Syed Murtuza Sahib Bahadur, M.L.A. (South Madras: Muhammadan);
 Mr. H. A. Sathar H. Essak Sait, M.L.A. (West Coast and Nilgiris: Muhammadan);
 Mr. F. E. James, M.L.A. (Madras: European);

Raja Sir Vasudeva Rajah, Kt., C.I.E., M.L.A. (Madras: Landholders);
 Mr. Sami Vencatachelum Chetty, M.L.A. (Madras: Indian Commerce);
 Sir Cowasji Jehangir, Bart., K.C.I.E., O.B.E., M.L.A. (Bombay City: Non-Muhammadan Urban);
 Mr. Lalechand Navalrai, M.L.A. (Sind: Non-Muhammadan Rural);
 Mr. B. J. Desai, M.L.A. (Bombay Northern Division: Non-Muhammadan Rural);
 Mr. Ahmed Ebrahim Haroon Jaffer, M.L.A. (Bombay Central Division: Muhammadan Rural);
 Mr. K. M. Jedhe, M.L.A. (Bombay Central Division: Non-Muhammadan Rural);
 Mr. N. V. Gadgil, M.L.A. (Bombay Central Division: Non-Muhammadan Rural);
 Mr. S. K. Hosmani, M.L.A. (Bombay Southern Division: Non-Muhammadan Rural);
 Mr. M. A. Jinnah, M.L.A. (Bombay City: Muhammadan Urban);
 Mr. Nabi Baksh Illahi Baksh Bhutto, M.L.A. (Sind: Muhammadan Rural);
 Seth Haji Abdoola Haroon, M.L.A. (Sind: Muhammadan Rural);
 Mr. William Bartlet Hossack, M.L.A. (Bombay: European);
 Sir Leslie Hudson, Kt., M.L.A. (Bombay: European);
 Sir Ghulam Hussain Hidayatallah, K.C.S.I., M.L.A. (Sind Jagirdars and Zamindars: Landholders);
 Mr. Mathuradas Vissanji, M.L.A. (Indian Merchants' Chamber and Bureau: Indian Commerce);
 Dr. Pramatha Nath Banerjea, M.L.A. (Calcutta Suburbs: Non-Muhammadan Urban);
 Pandit Lakshmi Kanta Maitra, M.L.A. (Presidency Division: Non-Muhammadan Rural);
 Mr. Suryya Kumar Som, M.L.A. (Dacca Division: Non-Muhammadan Rural);
 Mr. Akhil Chandra Datta, M.L.A. (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural);
 Sir Abdur Rahim, K.C.S.I., Kt., M.L.A. (Calcutta and Suburbs: Muhammadan Urban);
 Mr. Abdul Halim Khan Ghuznavi, M.L.A. (Dacca *cum* Mymensingh: Muhammadan Rural);
 Mr. Muhammad Anwar-ul-Azim, M.L.A. (Chittagong Division: Muhammadan Rural);
 Maulvi Abdulyahel Baqui, M.L.A. (Rajshahi Division: Muhammadan Rural);
 Mr. George Morgan, C.I.E., M.L.A. (Bengal: European);
 Mr. J. A. Milligan, M.L.A. (Bengal: European);

Babu Dharendra Kanta Lahiri Chaudhury, M.L.A. (Bengal: Landholders);
 Babu Baijnath Bajoria, M.L.A. (Marwari Association: Indian Commerce);
 Dr. Bhagavan Das, M.L.A. (Cities of the United Provinces: Non-Muhammadan Urban);
 Chaudhuri Raghubir Narayan Singh, M.L.A. (Meerut Division: Non-Muhammadan Rural);
 Mr. Shri Krishna Dutt Paliwal, M.L.A. (Agra Division: Non-Muhammadan Rural);
 Pandit Govind Ballabh Pant, M.L.A. (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural);
 Mr. Sri Prakasa, M.L.A. (Allahabad and Jhansi Divisions: Non-Muhammadan Rural);
 Munshi Iswar Saran, M.L.A. (Benares and Gorakhpur Divisions: Non-Muhammadan Rural);
 Babu Mohan Lal Saksena, M.L.A. (Lucknow Division: Non-Muhammadan Rural);
 Sirdar Jogendra Singh, M.L.A. (Fyzabad Division: Non-Muhammadan Rural);
 Maulana Shaukat Ali, M.L.A. (Cities of the United Provinces: Muhammadan Urban);
 Qazi Muhammad Ahmad Kazmi, M.L.A. (Meerut Division: Muhammadan Rural);
 Mr. Tasadduq Ahmad Khan Sherwani, M.L.A. (Agra Division: Muhammadan Rural);
 Sir Muhammad Yakub, Kt., M.L.A. (Rohilkund and Kumaon Divisions: Muhammadan Rural);
 Dr. Ziauddin Ahmad, C.I.E., M.L.A. (United Provinces Southern Divisions: Muhammadan Rural);
 Mr. Muhammad Azhar Ali, M.L.A. (Lucknow and Fyzabad Divisions: Muhammadan Rural);
 Mr. J. Ramsay Scott, M.L.A. (United Provinces: European);
 Maharaj Kumar Vijaya Ananda Gajapatiraj, M.L.A. (United Provinces: Landholders);
 Mr. Sham Lal, M.L.A. (Ambala Division: Non-Muhammadan);
 Lala Fakir Chand, M.L.A. (Jullundur Division: Non-Muhammadan);
 Bhairi Parma Nand, M.L.A. (West Punjab: Non-Muhammadan);
 Syed Ghulam Bhik Nairang, M.L.A. (East Punjab: Muhammadan);
 Mr. K. L. Gauba, M.L.A. (East Central Punjab: Muhammadan);
 Mr. H. M. Abdullah, M.L.A. (West Central Punjab: Muhammadan);
 Nawab Sahibzada Sir Sayad Muhammad Mehr Shah, Kt., M.L.A. (North Punjab: Muhammadan);
 Khan Sahib Shaikh Fazl-i-Haq Piracha, M.L.A. (North-West Punjab: Muhammadan).

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have just received intimation from the Honourable Member, Khan Bahadur Makhdum yed Rajan Bakhsh Shah, of his inability to come here to the Secretary's table to take the oath. I, therefore, direct the Secretary to be good enough to proceed to the Honourable Member's seat to enable him to take the oath.

(The Honourable Member then took the oath in his seat).

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah, M.L.A. (South-West Punjab: Muhammadan);
 Sardar Mangal Singh, M.L.A. (East Punjab: Sikh);
 Sardar Sant Singh, M.L.A. (West Punjab: Sikh);
 Mian Ghiasuddin, M.L.A. (Punjab: Landholders);
 Mr. Satya Narayan Sinha, M.L.A. (Darbhanga *cum* Saran: Non-Muhammadan);
 Mr. Bepin Behari Varma, M.L.A. (Muzaffarpur *cum* Champaran: Non-Muhammadan);
 Mr. Bhubamananda Das, M.L.A. (Orissa Division: Non-Muhammadan);
 Pandit Nilakantha Das, M.L.A. (Orissa Division: Non-Muhammadan);
 Mr. Anugrah Narayan Sinha, M.L.A. (Patna *cum* Shahabad: Non-Muhammadan);
 Mr. Shri Krishna Sinha, M.L.A. (Gaya *cum* Monghyr: Non-Muhammadan);
 Mr. Deep Narayan Singh, M.L.A. (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan);
 Mr. Ram Narayan Singh, M.L.A. (Chota Nagpur Division: Non-Muhammadan);
 Mr. Muhammad Nauman, M.L.A. (Patna and Chota Nagpur *cum* Orissa: Muhammadan);
 Maulvi Muhammad Shafi Daudi, M.L.A. (Firhut Division: Muhammadan);
 Seth Govind Das, M.L.A. (Central Provinces Hindi Divisions: Non-Muhammadan);
 Mr. Ghanshiam Singh Gupta, M.L.A. (Central Provinces Hindi Divisions: Non-Muhammadan);
 Khan Sahib Nawab Siddique Ali Khan, M.L.A. (Central Provinces: Muhammadan);
 Seth Sheodass Daga (Central Provinces: Landholders);
 Srijiut Nabin Chandra Bardaloi, M.L.A. (Assam Valley: Non-Muhammadan);
 Mr. Basanta Kumar Das, M.L.A. (Surma Valley *cum* Shillong: Non-Muhammadan);
 Mr. Abdul Matin Chaudhury, M.L.A. (Assam: Muhammadan);

[Sir Nripendra Sircar.]

that Council from 1923 to 1926. He was a member of the Southborough Committee and a member of the Indian Central Committee co-operating with the Royal Commission on Reforms. He was the founder of the Central Muslim Party in this House. He had a brilliant academic career, and the depth of his culture and the amount of his knowledge could easily be estimated from the several publications which bear his name. He was awarded the Delhi Durbar Medal in 1911 and was created a Knight in 1931.

I had not the honour of personally knowing Mr. Abhyankar, but of his great reputation I have some idea and the publications in the Press and the statements made immediately after his death will give Honourable Members some idea of the esteem and respect with which the late Mr. Abhyankar was held. I am sure, there are Members in this House who are more competent to speak about him from their intimate knowledge of the late Mr. Abhyankar.

Mr. B. N. Sasmal, whose death was very tragic because he practically died the moment his success at the polls was announced, was a very prominent man in Bengal, and he took an active part in the political life of the province. He was elected to the Legislative Assembly from the Burdwan Division this time. He was for many years a Councillor of the Calcutta Corporation, and he was also a member for some time of the Bengal Legislative Council.

Mr. Price was a Member of the Legislative Assembly representing the Bombay Europeans from December 1920 to November 1921. He was a man of very large activities. He was a Municipal Councillor of Karachi. He was a trustee of the Karachi Port Trust, a member of the Sind Separation Committee and a member of the Sind Administrative Committee. He was acknowledged, I find, in some of the statements made in the Press to have one of the keenest brains in Sind.

As regards the late Rai Bahadur Lala Brij Kishore, this House will remember that the honour conferred on him by His Majesty was announced in the papers only 48 hours after his lamented death. He was a Member of the Legislative Assembly representing the Lucknow Division Non-Muhammadan Rural Constituency from the 10th July, 1930, to the end of the third Assembly, and from the 9th October, 1930, to the end of the fourth Assembly. It has seldom happened that so many deaths have occurred which had to be mentioned on the first sitting of this House. On behalf of this side of the House, I convey to you, Mr. Chairman, and to the House our great sense of loss and our deepest regret for the death of these gentlemen and for the loss which the country has suffered from not having had the benefit of the activities of these gentlemen.

Mr. B. J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. Chairman, it is a matter of sincere regret to me that on the very first occasion on which I have the honour to say a few words in any assembly whatever of a legislative nature I have to associate myself with the Honourable the Leader of the House in expressing our sense of loss—loss which appears to have been unusual in number and in quality from the account that is given—of the men who have left us. As to three of them, I have a certain amount of personal knowledge and acquaintance. As to the other two, I have credible information as to their valuable qualities.

Referring to Sir Abdulla Suhrawardy, his erudition is a matter of such general repute that it does not require any further elaboration. As regards his position in politics, he gave it all the energy that he possessed and the sincerity with which he discharged his duties from time to time was well known. As the Honourable the Leader of the House mentioned, he was at one time associated with the late Mr. C. R. Das in the Swaraj party of those days.

As regards Mr. Sasmal, I have had the honour of knowing him. The standing quality of courage which characterised the man in whatever positions he held was admirable and always evoked the esteem even of opponents.

My friend, Mr. Abhyankar, died untimely, because notwithstanding a large experience to his credit he was a very young man at the time of his death. Belonging to my profession, he was a man who, had he desired to confine his activities merely to his professional life, would have made his mark almost anywhere. He chose, however, to occupy the larger part of his time in the service of the country according to his ideas and beliefs, and it is a matter of sincere regret that his absence will be felt by the whole House and particularly by us.

As regards Rai Bahadur Brij Kishore, I am informed that he was an ostentatious man whom it was impossible to offend and it is a great deal to be able to say that of a man particularly engaged in struggles of this character. He was a man of affable character, and I have no doubt that he will be missed by all those who knew him and by those who, had he been spared, would have been associated with him.

Mr. Price I happen to have known. I cannot claim any very great friendship with him, but I knew him as an active business man, a good speaker and a man who sacrificed his time and considered it his duty to devote whatever energy was required for the purpose of giving his service to the legislative labour of this Assembly.

Sir, I also wish to convey the sincere regret of those who sit on this side of the House, for in the presence of death, I am quite certain you will agree with me, there can be no two sides at all. Had these gentlemen been spared, they would have rendered valuable service, for I regard service sincerely done by a man on either side as of equal value.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I associate myself with the remarks that fell from the Leader of the House and the Leader of the Opposition. I am sure that every one feels great sorrow that we have been deprived of five Members of this House at the very beginning of our proceedings today. As the Leader of the Opposition said, in the presence of death, controversy ceases. Whatever Party they belonged to or whatever political path they followed, they were men who played a very important part in the public life of India and we cannot but mourn their deaths and regret the loss that this House has particularly suffered, and I wish on behalf of my Party to express our deepest sorrow and our sincerest sympathy with the members of the family of these five Members of this House. Sir, I associate myself with the previous speakers.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): I beg to associate myself with all that has been said by the Honourable the Leader of the House and the Honourable the Leader of the Opposition and the Leader of the Independent Party. We have lost five Members. Three of them we have lost in the course of a month. Sir, to me, the death of Sir Abdulla is the loss of one who was more than a friend. He and I lived and worked like brothers and I fail to find words which will give adequate expression to the tribute I can pay to his loyalty, his charm and his sterling character. He was, Sir, a patriot who lived and worked for the betterment and prosperity of India. In fact, his life was a sincere and unostentatious dedication to the public of Bengal and if I may say so of India as a whole. He brought to bear on everything he did his versatile gifts. He was a scholar of international reputation, and it will always remain a matter of pride to his friends that the several books he wrote are rightly regarded as classics on those subjects. His untimely death at this most momentous period in the history of our country is a national loss, and to a very old and intimate friend like myself his death is a tragedy which even time, the great healer, cannot heal. I am sure, he has left for us all the imperishable tradition and the illustrious example of one who had lived and died in the service of his fellow-men. No words of ours, Mr. Chairman, no human sympathy can possibly console his widow in her bereavement, but when she will know that today this Assembly deeply and sincerely mourns Sir Abdulla's loss, it will undoubtedly lighten the burden of her sorrow.

Sir Leslie Hudson (Bombay: European): Mr. Chairman, I desire to associate myself and my Party with the remarks that have fallen from the Leader of the House, the Leader of the Opposition, the Leader of the Independent Party and Mr. Ghuznavi. I had not the pleasure or the honour of knowing Mr. Sasmal and Mr. Abhyankar, but the other three gentlemen who have unfortunately been taken away from us were very well-known to me.

All of us here who had the pleasure of knowing Sir Abdulla Suhrawardy recognized his very considerable attainments and culture, and those of us who met him, as we often did outside the House, appreciated his charm of manner and his social characteristics. We deeply lament his departure from this life. We shall miss him in this House and we shall miss him outside.

Rai Bahadur Brij Kishore was also well-known to us in this House, and as the Honourable the Leader of the Opposition has said, he was an unostentatious man and he was liked by all.

Mr. Price was perhaps better known to some of the members of my Group. Mr. Price was for many years one of the leading personalities in Karachi. He was a very keen and competent business man. He took a leading part in most of the commercial activities in Karachi and did a great deal of public work for the good of Sind. In this House he will be remembered, by those who sat with him, for his great common sense, his plain speaking and the grip which he had upon anything connected with commerce and more particularly anything connected with the trade of Karachi. I desire to associate myself with the request that the condolences of the Members of this House be conveyed to the relatives of the five gentlemen who have passed away from us.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, on behalf of the Congress Nationalist Party, I beg to associate myself with this condolence motion relating to the deaths of as many as five gentlemen. I shall not take up the time of the House by referring to the activities and the patriotism of all of the five gentlemen who have been taken away from us and who cannot now participate in these meetings. I should, however, like to say one or two words, especially about Mr. Sasmal whom I knew more intimately for many years. He was a unique man in many matters. The most remarkable feature of Mr. Sasmal's public life was his courage of conviction. Once he was convinced that a certain course of action should be taken, nothing could prevent him from doing it. He was not really a talker at meetings, but his energy and capacity for work were simply marvellous. In fact, his activities of a varied character in his own district of Midnapore made him the idol of that district, so much so that he used to be called the "uncrowned king of Midnapore". That alone is sufficient to give us some idea as to the highest respect and esteem in which he was held by his fellow countrymen. Sir, another feature of his public life was that he was not a popularity hunter. He had, therefore, on many occasions to differ from his friends and colleagues and at times he became very unpopular on that account. To me personally his loss is extremely painful, because it was at my insistence that he was induced to stand as a candidate for the Assembly this time. It was with the utmost difficulty that I could overcome his disinclination. He has gone away even before he could know the result of the polling. We all mourn his loss which is simply irreparable.

I knew one other gentleman out of these five, namely, Mr. Abhyankar. It is no good taking up the time of the House by referring to his activities. His record remains a clean and unbroken one of public service and sacrifice. Recently he suffered so heavily on account of his service to his motherland, and all these facts are all fresh in the minds of all of us. Sir, I associate myself with this motion in respect of the five gentlemen who have been taken away even before the first meeting of this Session.

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I also wish to associate myself with the regrets which have been expressed here at the deaths of five Members of the Legislative Assembly, especially at the sad death of Mr. Abhyankar. In Mr. Abhyankar, my Province has lost one of the greatest of men. In fact, his health was undermined while he was in jail during the last Civil Disobedience Movement and his lost health could never be recouped. Then, his untimely death was due to his standing for the Assembly owing to the call of the Congress. He became seriously ill after his election and the result, Sir, was his death. He lost his all and himself in the service of the motherland, and it would be very difficult to fill his place. I associate myself, Sir, with this motion.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, on behalf of myself and on behalf of the Sind Members who are present in this House, I wish to associate myself with this Resolution. Sir, one of the Members, whose deaths we are now deploring, belonged to Sind, or rather lived in Sind, I mean Mr. Price. Out of these five deceased Members I knew three and those three Members were my colleagues.

[Mr. Lalchand Navabhai.]

So far as Mr. Sasmal and Mr. Abhyankar are concerned, their popularity is well known, and, therefore, they are persons who have rendered a great public service.

So far as Mr. Price is concerned, I must say that he was a very straightforward man. He did a great deal of good to Sind. He was a member of the Brayne Committee and he was also a member of the Sind Administrative Committee. He had a great desire to see the unity prevailed in Sind and he took great interest in bringing about the welfare of Sind. In him Sind has lost a great patriot.

So far as the other two Members are concerned, Rai Bahadur Lala Brij Kishore was a very active Member of this House and we all know that he was doing a great service. So far as Sir Abdulla Suhrawardy is concerned, he was a great man and a great scholar and his utterances in this House were always appreciated. Sir, I fully associate myself with the motion.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I shall be failing in my duty if I did not associate myself with the motion before the House. Rai Bahadur Lala Brij Kishore hailed from my own constituency and was a very active and patriotic Member of this House. This House has lost in him a very energetic Talukdar. He also rendered great service to the Government for which he was honoured with the title which was published in the Gazette the very day the late Rai Bahadur died. Sir, he was not only an active Member of this House, but he also rendered great service to the country and especially to his own district. He not only served as an Honorary Magistrate on the criminal side, but also on the civil side he served as an Honorary Subordinate Judge. Now, this is a great distinction which is conferred on people on my side. He was a Talukdar and a banker. He was very friendly with the old Members of this House, who surely will remember him very well.

Sir, I knew Sir Abdulla Suhrawardy very well. He was also a great friend of mine. Sir, I associate myself with all that has been said previously by the other Members of the House.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I feel I cannot allow this sad moment to pass without expressing my personal tribute to the sad and honourable memory of the loss of five of our very valuable colleagues. As one of the very oldest Members of this House, it was my honour and privilege to have known all the five deceased Members. There are many in this House who can call to memory the closest association with some of the deceased colleagues of ours.

I remember Babu Birendra Nath Sasmal as being one of the most courageous men I have ever met. In his dignity and courage there was no arrogance, but humility and determination, and this made him a great personality, and, if I may say so, the Congress Party has lost in him a great asset. His place they will find very hard to fill.

Rai Bahadur Lala Brij Kishore was a familiar figure in this House and we remember him as a very excellent man who rendered in his quiet way a great service both to this House and the country.

It was many years ago that I was associated with the late Mr. Abhyankar, but I closely associate myself with all the remarks made by the Member from the Central Provinces in memory of this great man. That he played a great part in his own province and also in India in his political life, I am sure this House will agree.

As regards our late colleague, Sir Abdulla Suhrawardy, my Honourable friend, Mr. A. H. Ghuznavi, with whose every word I associate myself, has so eloquently referred to him that it is needless for me to add any more in tribute to the Honourable Member's death. I can only add that he showed the great talents of a great statesman and a politician, and if anyone needed any evidence of that it was to be found in that great and memorable note which he wrote on the Central Committee Report as a member of the Central Committee attached to the Simon Commission. As a great and worthy son of a great and worthy family, this House has, indeed, lost in him a great statesman and the Muslim community loses in him a great and noble son of Islam.

As regards Mr. Price, I had the pleasure of knowing him very closely and I can associate myself with all that has fallen from the lips of my friend, Sir Leslie Hudson. Mr. Price, as a Member of this House and also outside this House, showed himself to be a person possessed of a dynamic personality in all things that he took up in the interests of India's national life. He had a courage of opinion which might not have been appreciated by many men, but he carried that opinion with honest conviction in all the things that he undertook. He played a great part in India's national development.

I can only add a few words to the able manner in which the Leader of the House has referred to the memory of these great men. We have lost at a moment when both India and England can ill-afford to lose such personalities, men who played a great part in the development of this country. As the spokesman and Chairman of this House, it will be my duty to convey to the members of the bereaved families the sentiments that have been expressed here today in honour of five Honourable Members of this House.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1110 to 1112 asked by Sir Abdulla-al-Mamun Suhrawardy on the 3rd April, 1933.

GRANT OF MONEY FOR THE REPAIRS TO THE TOMBS OF THE MEMBERS OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

1110. (a) 1st sentence. Yes.

(a) Last sentence. No.

(b) 1st two sentences. Yes.

(b) Last sentence. No.

(c) Yes.

(d) No.

PAYMENTS OF STIPENDS TO THE MEMBERS OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

1111. (a) Yes, but the sum mentioned in the concluding portion of the question appears to be inaccurate.

(b) The information is not readily traceable.

(c) No.

BALANCE OF THE APPROPRIATED MYSORE DEPOSIT FUND ON ACCOUNT OF THE FAMILIES OF HYDER ALI AND TIPU SULTAN.

1112. (a) The information is not readily traceable.

(b) No.

(c) Yes

Information promised in reply to starred questions Nos. 1 and 2 asked by Mr. S. C. Mitra on the 22nd August, 1933.

MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

1. (a) to (e) and (h). Yes.

1. (i) to (g) and 2. The Government of India, after careful consideration of the various points raised in the joint memorial from the descendants of Haidar Ali and Tipu Sultan, have rejected the memorial, but have told the Government of Bengal that they should examine the cases of any destitute members of the family, whose claims have not been previously submitted, and that such cases should be considered on their merits.

Information promised in reply to starred question No. 229 asked by Bhai Parma Nand on the 24th February, 1934.

TRANSFERS MADE IN THE PUNJAB POSTAL CIRCLE FROM THE HIGHER TO THE LOWER SCALES OF PAY.

(a) The total number of such transfers was 58, viz., 47 time-scale clerks and sorters, three postmen and eight inferior servants.

(b) No, the men were transferred on their own pay to other posts in the same cadre owing to their original posts having been retrenched. The fact that the time-scales of pay of the posts to which they were transferred were lower is due to local conditions, the transfers having been made to places in which the cost of living was lower and the sanctioned scales of pay therefore less. The transfers were in the interests of the men themselves as otherwise it would have been necessary to dispense with their services.

(c) No.

Information promised in reply to starred question No. 331, asked by Mr. S. C. Mitra on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

The various rules regarding the assessment of disability pensions of non-combatants are shown in the attached statement. They show that, in the case of those whose monthly pay was Rs. 200 or more, pensions granted in Great War cases, owing to disease, are to be determined by the pay drawn at the time of final invalidment from the service and that pensions granted, in similar cases, owing to wounds or injuries are to be assessed on the pay drawn at the time the wound or injury was received. If the Honourable Member is referring to pensions granted owing to wounds or injuries, these have been correctly assessed by the Pension Controller. If on the other hand he is referring to pensions granted owing to disease, it has been found that in some cases these have been assessed incorrectly, i.e., as if they had been granted owing to wounds or injuries. Orders have been issued that cases of this nature shall be reviewed and reassessed where necessary.

STATEMENT.

1) If due to disease.

(a) Under the Civil Service Regulations. See Article 741-A, Civil Service Regulations. i.e., non-combatants on pay of Rs. 200 or over.

Relative military rank determined by pay drawn at time of final invalidment.

(b) Under Pension Regulations, i.e., non-combatants on pay of under Rs. 200.

(i) Prior to 1st May 1930, the rank was based on pay on final invalidment.

See Pension Regulations, Paragraph 224-A prior to its amendment by correction slip 13 of May 1930.

(ii) After 1st May, 1930, the rank was based on the pay drawn when the illness was contracted or on the date of final invalidment, whichever is more favourable.

See Pension Regulations, paragraph 224-A as amended by correction slip 13 of May 1930.

(2) If due to wound or injury.

(a) Under the Civil Service Regulations, i.e., non-combatants on pay of Rs. 200 or over.

Assessed under Article 740-Civil Service Regulations on pay drawn when wound or injury received and pensions granted under old rules in Pay and Allowance Regulations (1923 Edition), same as Army Regulations India, Volume I (1915 Edition).

(b) Under Pension Regulations, i.e., non-combatants on pay of under Rs. 200.

Information promised in reply to starred question No. 480, asked by Lieut.-Colonel Sir Henry Gidney, and the supplementary questions asked in connection with it, on the 14th March, 1934.

REPRESENTATION BY A RECOGNISED LABOUR UNION OF THE GRIEVANCES OF ITS MEMBERS TO THE AGENTS OF STATE RAILWAYS.

Government have considered the three principal points arising from starred question No. 480, asked by Lieut.-Colonel Sir Henry Gidney and the supplementary questions asked in connection with it, on the 14th March, 1934, and the replies to these three points are given below in *juxta-position* to each such point :-

Points.

(i) Whether a Labour Union which has been recognised as such by the Railway Board is entitled to represent the grievances of its members to the Agents of State-managed Railways?

(ii) Whether the Railway Board are prepared to issue instructions to Agents of State-managed Railways to recognise those Unions which are affiliated to the All-India Railway-men's Federation?

(iii) Whether the Railway Board will consider an appeal from a Labour Union in the event of the Agent of a State-managed Railway refusing to grant recognition?

Replies.

(i) The Railway Board have not recognised any Labour Unions as such as they consider that recognition of particular Unions is a matter for the Agents of Railways.

(ii) The fact that the Railway Board have dealings with the All-India Railwaymen's Federation in its corporate capacity does not entitle those unions affiliated to it to recognition from Agents of State-managed Railways.

(iii) The Railway Board will consider an appeal if submitted by a Labour Union in the event of the Agent of a State-managed Railway refusing to grant recognition to it.

Information promised in reply to starred question No. 669, asked by Mr. S. C. Mitra, on the 10th April, 1934.

LEAVE FACILITIES TO OFFICIAL MEMBERS OF THE INDIAN MEDICAL COUNCIL.

All official members of the Medical Council of India, whether nominated or elected, will in future be treated as on duty when they attend meetings of the Council.

Information promised in reply to starred question No. 40, asked by Mr. Gaya Prasad Singh on the 16th July, 1934.

EMPLOYMENT OF PANAMA NATIVES BY THE SIND INDIAN MERCHANTS.

(a) and (b). His Majesty's Minister Panama, who was consulted in the matter, states that there have been no cases of resistance or threatened ejection. The actual state of the Law is as follows:

From December 1930 until December, 1932, a percentage of 30 per cent. of Panamanians had to be employed; from December, 1932 until December, 1935 the percentage is 50 per cent.; after December, 1935, the percentage will have to be 75 per cent. This latter percentage is found to be unduly high by the merchants and efforts will doubtless be made to change it.

Information promised in reply to starred question No. 70, asked by Mr. Gaya Prasad Singh on the 18th July, 1934.

DEPORTATION OF ONE KARAM SINGH FROM CHINA.

(a) and (b). Karam Singh was sentenced by His Britannic Majesty's Supreme Court in China (and not by the Police Court) to one month's imprisonment and deportation from China in 1929 on a charge of sedition. He returned to China without the permission of the Secretary of State, contrary to Article 90 (8) of the China Order in Council 1925, was re-arrested for this offence and sentenced by His Majesty's Supreme Court to the maximum penalty of two months imprisonment followed by redeportation from China.

Second sentence of (c). Does not arise.

Information promised in reply to unstarred question No. 16, asked by Pandit Satyendra Nath Sen on the 18th July, 1934.

APPOINTMENTS IN THE LILLOOAH RAILWAY WORKSHOP.

(a) to (c). The Agent, East Indian Railway, reports that the appointment of technically trained apprentices in the technically trained grade is subject to there being vacancies in that grade, that when no such vacancy exists, but vacancies are available in a lower grade, apprentices are given the option of appointment in such lower grade vacancies, on the understanding that their future promotions will be subject to the rules and principles applicable to employees serving in those lower grades.

The Agent reports that Mr. N. C. Nandy was appointed under those conditions and that if he had not received special training in the newly formed Production Section, he would not have been appointed as his seniority was much less than that of other candidates.

(d) No.

Information promised in reply to starred questions Nos. 141 and 142 asked by Sir Muhammad Yakub on the 19th July, 1934.

FARMANS, ETC., OF THE MOGHAL EMPERORS RELATING TO THE GRANT OF LANDS TAKEN BY THE BRITISH GOVERNMENT.

No. 141. Records of the Moghal Emperors are not available in the Imperial Record Department of the Government of India. There are only copies of certain *farmans* granted by them to the East India Company. These copies are not ordinarily open to the public, but the Government of India will be prepared to consider any application for their inspection or the supply of copies thereof.

RECORDS OF GRANTS OF VILLAGES MADE BY THE MOGHAL EMPERORS TO THE SYEDS OF AMROHA IN THE MORADABAD DISTRICT.

No. 142. The answer to the first part of the question is in the negative. The suggestion in the second part is, therefore, impracticable.

Information promised in reply to starred question No. 195, asked by Khan Bahadur Haji Wajihuddin on the 23rd July, 1934.

PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

The Agent, Bombay, Baroda and Central India Railway, reports as follows:

"(a) the reply is in the negative.

(b) Messrs. Bickers and Garlinge were not "promoted" from the Control Branch. They were originally in the Station Master's grade, were tried in the Control Branch and re-transferred to the Station Master's Branch for which they were more suitable. The pay and promotion in the Control Branch is better than that of the Station Master's Branch.

(c), (e) and (f). The reply is in the negative.

(d) Does not arise.

(g) The question does not arise as there is no racial discrimination for the posts of Traffic Controllers on the Metre Gauge."

Information promised in reply to starred question No. 225, asked by Mr. Bhuput Sing on 25th July, 1934.

RACIAL DISCRIMINATION IN ALLOWING THE USE OF THE CAB ROAD BETWEEN PLATFORMS NOS. 6 AND 7 AT HOWRAH STATION.

The Agent, East Indian Railway, reports as follows:

(a) Yes.

(b) to (f). All passengers, whether European or Indian, by outgoing trains, are required to alight at one of the porches provided at Howrah Station, so that their luggage may be booked, and labelled and they may purchase tickets. Were this not insisted on, it would not be possible to control the booking of luggage and check excess weight when such is taken. Exceptions are however made to this rule in the following cases in which cars are allowed to pass inside the gates and up the cab way:

(1) For invalids.

(2) For passengers leaving by the Imperial Indian Mail.

(3) For occupants of tourist cars leaving by trains departing from Nos. 6 and 7 platforms.

(4) For Indian Nobility.

(5) For cars belonging to Government House and to Railway and Police Officials
There is no racial discrimination.

(g) The road is a private one, within the station precincts, to provide for the movement of cars in the exceptional circumstances detailed above, and it is essential that entrance to it should be closed for normal traffic to control the booking of luggage and of passengers.

(h) It is not proposed to provide any side fencing or barrier as this would interfere seriously with the efficient working of the station.

Information promised in reply to starred question No. 313, asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.

FACILITIES FOR THE CARRIAGE OF CHILKA FISH TO CALCUTTA MARKET.

(b) Yes.

(c) The Agent reports that the trade is of some importance but not to the extent implied in the question.

(d) No. The Agent, Bengal Nagpur Railway, reports that the traffic is carefully watched and everything possible is done to assist the trade.

Information promised in reply to starred question No. 326, asked by Maulvi Muhammad Shafi Daudi on the 31st July, 1934.

PROMOTIONS IN THE ENGINEER-IN-CHIEF'S BRANCH, ARMY HEADQUARTERS.

(a) to (f). Three vacancies occurred in each of the 1st and 2nd Divisions of the clerical establishment of the Engineer-in-Chief's Branch since 1st April, 1930. They were all filled by departmental promotion owing to misinterpretation of the orders on the subject. The mistake is now being rectified.

Information promised in reply to starred questions Nos. 329 to 333 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 1st August, 1934.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

329. (a) and (b). Yes.

(c) No evidence was recorded for the purpose of impugning the conduct of individual members. The Committee were given an opportunity to reply in regard to any allegations contained in the Report which might be construed as reflections on the capacity of the Committee.

(d) Yes.

(e) Yes. The report was submitted first to the Local Government who then invited the Municipal Committee to explain the allegations against them. The misconduct of individual members was not in question, *vide* the answer to (c) above.

(f) and (g). Yes

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

330. (a) Serious defects have been found all round. It is incorrect to say that these departments were always placed under the direct supervision as Convenors of the Government officers referred to, as recently the Convenors have generally been elected members of the Committee. The officers moreover when serving on these departmental sub-committees were not in a position of unfettered control.

(b) No.

(c) Yes, the Municipality submitted a Sanitation Scheme to Government in 1932. It also applied for the requisite loan from Government. As the scheme required certain modifications it was returned to the Municipal Committee for further consideration and is still with them. The question of granting the loan being contingent on the nature of the scheme finally approved, it has accordingly been held up.

(d) Yes.

(e) All the defects had been in existence for a long time. No efforts for their removal were made beyond submission of schemes, which had to be returned to the Committee for modifications, *vide* answer to (c) above.

(f) No.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

331. (a) Several public meetings were held in September 1933, about Municipal affairs, but their purpose was to condemn the Municipal administration and solicit Government's interference.

(b) Yes.

(c) Yes.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

332. (a) No. It was not referred to the Chairman of the Enquiry Committee, but was transmitted in the usual course by the Commissioner with his comments. The same gentleman happened to be holding both offices, but the two capacities were quite distinct.

(b) This question does not arise.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

333. Government regret their inability to do so as they consider that the expense and labour involved will not be commensurate with the results to be achieved.

Information promised in reply to starred question No. 350 asked by Seth Liladhar Chaudhury on the 6th August, 1934.

SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

(a) In speaking of the Provincial Scheme, the Honourable Member is apparently referring to the scheme under which the Railway Mail Service has been placed under the control of Heads of Postal Circles after the abolition of the separate Railway Mail Service Circles. Both the C-27 and the C-28 sections run through three postal Circles, the first named section works in the Punjab mail from Howrah to Lucknow and back on the East Indian Railway main line while the C-28 section works in the Bombay mail on the East Indian Railway *via* Grand Chord, from Howrah to Allahabad and back. This arrangement is not in contravention of the new scheme.

(b) The F-2 and P-15 sections work on different railway routes; the F-2 section works in the Calcutta mail over the Great Indian Peninsula Railway from Allahabad to Jubbulpore and back, while the P-15 section works over the East Indian Railway from Gaya to Allahabad and back. Both these sections work in two post circles, the F-2 in United Provinces Circle and Central Circle, and the P-15 in the Bihar and Orissa Circle and the United Provinces Circle. They cannot both be made to work between Allahabad and Jubbulpore.

(c) The reply is in the negative. The scheme to which the Honourable Member refers has been examined. Its adoption would mean additional expenditure as well as inconvenience to the staff concerned and to the administration.

Information promised in reply to starred question No. 357, asked by Khan Bahadur Haji Wajihuddin on the 6th August, 1934.

MODIFICATION IN THE MOODY-WARD SCHEME ON THE EAST INDIAN RAILWAY.

(a) No modification in the present Moody-Ward Scheme is contemplated.

(b) No.

(c) Does not arise.

Information promised in reply to starred questions Nos. 363 and 364, asked by Mr. Muhammad Muazzam Sahib Bahadur on the 6th August, 1934.

SELECTION BOARDS OF THE OPERATING AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

363. (a) Selection Boards have been functioning on Divisions from the 1st October, 1932, when the rules for the recruitment and training of subordinate staff were brought into force. As regards selection posts in Headquarters offices of the Transportation and Commercial Department (other than clerical posts) owing to retrenchment there has not been any occasion for promotions recently but Selection Board will be called for when such occasion arises. The recruitment rules do not apply to the clerical staff.

(b) Substantive promotions to selection posts in the groups to which the recruitment rules referred to above apply are made on the recommendation of Selection Boards only.

(c) and (d). Yes, as far as possible, unless due to administrative reasons temporary local arrangements become necessary.

PROMOTIONS IN THE COMMERCIAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

364. (a) The posts in the category of "special grades" in the commercial department are filled by selection, due consideration being given to seniority when qualifications and suitability are equal.

(b) Yes.

(c) Does not arise.

Information promised in reply to starred question No. 406, asked by Bhai Parma Nand on the 6th August, 1934.

USE BY MEMBERS OF THE DEPRESSED CLASSES OF PLATFORMS OF GOVERNMENT-OWNED WELLS.

The Centrally administered areas are Delhi, Coorg, Ajmer-Merwara and Baluchistan. There are no such wells in Baluchistan. In Coorg and Ajmer-Merwara no restrictions are imposed. In Delhi, so far as it has been possible to ascertain, wells situated in most of the institutions of the kind referred to by the Honourable Member are not open to the public but are utilised by the members of the staff, students and others connected with them. No restrictions have been imposed on the use of the well in the Delhi courts by the public. If Bhungs and Chamars were to come to the well when not engaged in their professional work, it is improbable that the public would raise any objection to their using it.

Information promised in reply to unstarred question No. 37, asked by Seth Liladhar Chaudhury on the 6th August, 1934.

TOURS OF THE POSTMASTER-GENERAL AND THE SENIOR DEPUTY POSTMASTER-GENERAL, PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

(a) The Postmaster-General worked in Simla from the 1st June, 1934 to the 21st July, 1934.

(b) Yes.

(c) No.

(d) The object of the visit was (1) discussion of cases with the Postmaster-General, (2) visits to Offices, and (3) enquiries into certain cases on the spot. The expense involved was Rs. 168-9-0.

(e) No. The Deputy Postmaster-General was already at Abbottabad when the Postmaster-General arrived there on his way from Srinagar to Simla.

(f) The object of the visit was "enquiries".

(g) No.

Information promised in reply to starred question No. 418, asked by Rai Bahadur Lala Brij Kishore on the 7th August, 1934.

PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKHAND RAILWAY STAFF ON PROMOTION.

Government are informed that if an employee drawing pay in the old Oudh and Rohilkhand Railway grade (Rs. 70-5-100) is transferred to the old East Indian Railway area, he will be entitled to draw pay on the corresponding old East Indian Railway scale (Rs. 105-5-120), and on promotion, while employed on the East Indian Railway area, he will be entitled to draw the East Indian Railway scale (Rs. 126-8-150).

A clerk on the old Oudh and Rohilkhand Railway scale (Rs. 104-6-140) on transfer to the East Indian Railway area will draw pay in the corresponding East Indian Railway scale (Rs. 126-8-150), but on promotion to the next higher grade he will draw pay in the old Oudh and Rohilkhand Railway grade (Rs. 150-10-220), which is better than the corresponding East Indian Railway grade, namely, Rs. 160-10-200, provided that in both cases mentioned above the employees concerned had not elected the revised co-ordinated scales of pay introduced in 1928.

Information promised in reply to starred question No. 434, asked by Bhai Parma Nand on the 7th August, 1934.

FUNCTION, DUTIES AND SCALES OF PAY OF JOURNEYMEN EMPLOYED IN THE VARIOUS DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

On the North Western Railway the functions and the scales of pay of Journeymen employed in the various branches are similar but their duties vary according to the trade. Journeymen appointed to service before 1st April 1927 are governed by the Fundamental Leave Rules. Those appointed from 1st April 1927 were according to their service conditions, considered as governed by the rules contained in Annexure II of the New State Railway Leave Rules as they have been classified as labour staff. On a representation from the All-India Railwaymen's Federation, Government have decided that Journeymen should be classed as subordinate staff for the purposes of leave and granted leave under Annexure I of the New State Railway Leave Rules issued under Railway Board's Resolution No. 8373-E, dated the 20th February, 1930, a copy of which is already in the Library of the House.

Information promised in reply to parts (b) to (g) of starred question No. 450, asked by Maulvi Syed Murtuza Saheb Bahadur on the 7th August, 1934.

ALLEGATIONS AGAINST THE TRANSPORTATION (TRAFFIC) INSPECTOR OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

(b) The reply is in the negative except that the Inspector referred to travelled by 3 MD train from Moradabad to Gajroula.

(c) (i) to (iv). Government understand that the Inspector referred to travelled on the 21st April, 1934, in connection with a report which he was required to submit. Government regret that they are not prepared to place on the table of the House the report of his enquiry as it is purely a departmental document not intended for publication.

(c) (v). Government are informed that no girls, relatives or friends, travelled with him on his duty pass on the 21st April, 1934.

(d) Yes. He was ordered to look after the work of Assistant Superintendent, Commercial, who was sick for a fortnight.

(d) (i) and (ii). Eight punishments were imposed of which six were fines, one was a reduction in pay and one a warning.

(d) (iii). No gazette notification was issued.

(d) (iv). None.

(e) and (f). Government understand that he made such tours during the period as were considered necessary.

(g) Government do not consider any enquiry necessary.

Information promised in reply to starred question No. 471, asked by Bhai Parma Nand on the 7th August, 1934.

SELECTION OF A MAN FOR APPOINTMENT TO THE POST OF W. I. X. ON THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports as follows:—(a) Divisional Superintendent's letter No. 925-E/1/III dated 27th May, 1933, notified a Selection Board on 31st May, 1933, to fill new posts of Watch and Ward Inspectors in Grade Rs. 150—10—190 (subsequently changed to Rs. 100—5—140 before these posts were actually filled) from existing Inspectors, Assistant Inspectors and Sub-Inspectors and also instructed all the existing Head Watchmen and Watchmen demoted or reverted from Head Watchmen's posts to appear before this Selection Board.

(b) Yes.

(c) This Selection Board which was held in the Agent's office on the 31st May, 1933, was convened in order to examine staff as to their fitness for both Watch and Ward Inspectors and Head Watchmen and actually examined both these classes. The Divisional Superintendent's letter quoted in reply to part (a) above omitted to mention that this Selection Board would also select men for the posts of Head Watchmen, through an oversight, although as explained in the reply to part (a) above, it ordered all existing Head Watchmen and Watchmen demoted or reverted from Head Watchmen's posts to appear before this Selection Board.

(d) Prior to 1st October, 1933, the post of Head Watchman in the scale of Rs. 33—3—60 existed on Delhi and Karachi Divisions only. Their duties were confined to the supervision of a group of watchmen at a single station. The Watch and Ward Scheme was reorganised and extended to all other Divisions, except Quetta, with effect from 1st October, 1933. The designation and the previous scale of pay of Head Watchmen were retained but the duties and responsibilities of the post were increased entailing the supervision of the work of groups of watchmen over a section of the line and necessitating a sufficient knowledge of English to be able to write reports.

(e) Yes.

(f) Prithi Singh and Ganga Parshad were senior to the three persons referred to in part (e) of the question while Alamgir Khan was junior to Altaf Hussain and Chandi but senior to Abdul Ghani.

(g) The recommendations were not ignored but in view of the alteration in duties and the increase in the responsibilities of the post of Head Watchmen it was necessary to impose selection to ensure that those who filled these posts were suitable in all respects. The names of those not selected are still borne on the waiting list for repromotion to a post of equivalent or lower rank to that formerly held by them.

(h) Para. 9 of the North Western Railway Extraordinary Gazette dated the 20th June, 1932, is a reproduction of para. 9 of Government of India *Communiqué* dated the 6th June, 1932, and deals with re-employment of staff discharged during the economy campaign in the inverse order in which they were discharged subject to adjustment of communal proportions.

(i) No. As stated in reply to part (d) above, staff who were considered most suitable were selected by the Selection Committee for the posts of Head Watchmen under the new scheme.

(j) and (k). Orders of the Government of India referred to in parts (g) and (h) of the question were not contravened as the appointments referred to were made to new posts. As already stated persons who were considered most suitable for the posts were selected by a Selection Committee appointed for the purpose.

Information promised in reply to starred question No. 549 asked by Khan Bahadur H. M. Wilayatullah on the 14th August, 1934.

REPRESENTATION OF MUSLIMS OF BERAR IN THE LEGISLATIVE ASSEMBLY.

(a) One.

(b) The member from Berar is first elected by an electorate consisting of Hindus and communities other than Muhammadans and then nominated by the Governor General after election.

(c) Yes.

(d) No one at present.

(e) A Muslim from Berar was nominated to the Legislative Assembly in 1921, and the Honourable Member may take it that in making nominations to the next Assembly the Governor General will consider all relevant circumstances.

Information promised in reply to parts (b) to (g) of starred question No. 550 asked by Mr. Lalchand Navalrai on the 14th August, 1934.

PAY OF EMPLOYEES DEMOTED ON ACCOUNT OF RETRENCHMENT ON THEIR RE-EMPLOYMENT ON THE NORTH WESTERN RAILWAY.

(b) and (c). Yes.

(c) Government are informed that certain Guards, Grade II, temporarily demoted or transferred to lower posts were, on restoration to their former grade, allowed the same rate of pay drawn by them at the time of demotion.

(d) The decision of the Agent referred to is in accordance with the orders issued by the Railway Board in the matter.

(f) and (g). The Agent reports that the Unionists representation has since been replied to. Government do not consider that any further action is necessary.

Information promised in reply to starred question No. 581, asked by Maulvi Muhammad Shafi Daudi on the 14th August, 1934.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

(a) Yes.

(b) It was not a representative public meeting of the citizens of Karachi. A public meeting was announced in handbills which were jointly signed by the Secretaries of the Sind National League, the Khilafat Committee and the Muslim Welfare Association—all political organisations—and was held in the Khalikdina Hall on Sunday the 14th January, 1934. It was attended by about 400 persons, mostly illiterate, of whom the following, were the only persons of any importance:

1. Mir Ayub Khan, Bar-at-Law, Special First Class Magistrate.
2. Haji Abdulla Haroon, M.L.A.
3. Sheikh Abdulmajid Lilaram.
4. R. K. Sidhva.
5. Hakim Fateh Muhammad.
6. Sanaullah, a grocer.
7. Hatim B. Tayibji, Barrister, Assistant Public Prosecutor.
8. Jethmal Parasram Gulrajani.
9. Dr. Tarachand J. Lalwani.
10. Naraindas A. Bechar.
11. Jethi T. Sipahimalani.
12. N. D. Mallick.
13. Shivanand Shewakram.
14. D. P. Dastur.
15. Qazi Muhammad Mujtaba Muhammad Mustafa.
16. Nawab Yusafali Magsi.
17. Jamshed Mehta, Mayor of Karachi.

There was no title holder at the meeting. Jamshed N. R. Mehta, the Mayor of Karachi presided over the meeting.

(c) What are elementary rights of civil and political life must be a matter of opinion and Government are not prepared to express their views on this point.

(d) Yes.

(e) Abdul Samad Khan was arrested in Baluchistan on the 29th January, 1934.

(f) The Extra Assistant Commissioner, Pishin was at first instructed to hold an enquiry into Abdul Samad's behaviour for the purpose of Section 40, Frontier Crimes Regulation.

Pending completion of the necessary enquiry under Section 42 Frontier Crimes Regulation, Abdul Samad refused to give bail and was, therefore, kept under arrest. During the enquiries further information showed that there was evidence supporting a charge of sedition, and sanction was therefore given to a complaint against him under Section 124-A, Indian Penal Code. Proceedings under Section 42, Frontier Crimes Regulation were therefore terminated.

(g) No.

(h) He was found guilty of seditious utterances, which utterances were circulated in Baluchistan.

He was not classed as an A Class prisoner.

On the recommendation of the Jirga he has, however, been accorded certain facilities.

(i) See answer to (h) above. The Jirga recommended rigorous imprisonment with certain special facilities.

The Jirga recommended that, on release, Abdul Samad should be required to furnish security in Rs. 2,000 to be of good behaviour for three years.

The Political Agent in his order directed that on release Abdul Samad should be produced before his Court for such security proceedings.

Information promised in reply to starred question No. 585, asked by Bhai Parma Nand on the 14th August, 1934.

PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

The attention of the Honourable Member is invited to the information laid on the table of the House today in reply to starred question No. 195 asked by Khan Bahadur ji Wajihuddin on the 23rd July, 1934.

Information promised in reply to starred questions Nos. 586, 587, 588 and 589 asked by Mr. S. C. Mitra on the 14th August, 1934.

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

586. (a) Questions on the subject have been asked in the Legislative Assembly on previous occasions, namely in September, 1932 and July, 1934.

(b), (c) and (d). Government have not received any specific complaints.

(e) Steps are being taken to give timely notice in future.

(f) and (g). Government have no information.

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

587. (a) From one and a quarter to one and a half hours.

(b) No.

(c) First part: No: but such communication would have been in accordance with general instructions.

Second and third parts. No. There were no restrictions on traffic by rail.

(d) The Honourable Member is referred to the answer to part (c) of the preceding question.

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

588. (a) The exact figures cannot be worked out without an expenditure of time and labour which will be quite incommensurate with the results obtained; but the cost of road arrangements is somewhat cheaper than those by rail.

(b) Since 1930.

(c) No. Government do not consider that an enquiry into the matter will be of any useful purpose.

(d) First part: eight occasions.

Second part: Government have no record.

STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

589. (a) Both parts: No.

(b) No.

Information promised in reply to parts (a) to (h) of starred question No. 606, asked by Khan Bahadur Haji Wajihuddin on the 14th August, 1934.

TEST CHECK EXERCISED AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

(a) to (e) and (g). Yes. Except that the staff are Commercial and not Operating staff.

(f) No. It is a purely departmental document not intended for publication.

(h) No. Government do not consider that the results show that it is the system of not having the ticket checking staff under the Accounts Department that is at fault.

Information promised in reply to starred question No. 630, asked by Mr. Gaya Prasad Singh on the 15th August, 1934.

PERIODICAL TEST OF GUARDS ON THE NORTH WESTERN RAILWAY.

"(a) Guards are required to pass an oral test in train working every three years irrespective of age.

(b) Up to 1929, Assistant Station Masters and Station Masters were also subjected to a similar test on divisions but with the introduction of Refresher Courses for Assistant Station Masters and Station Masters in the Walton Training School in 1929 these classes of staff were no longer required to pass this local test.

(c) Yes, as leave with allowances, if due, otherwise leave without pay.

(d) Assistant Station Masters and Station Masters considered by Divisional Transportation Officers to be unfit to work as such are relieved at once of their duties and sent to the Walton Training School for examination. Any period of time spent in waiting for room at the school is treated as leave due".

Information promised in reply to unstarred question No. 59, asked by Seth Liladhar Chaudhury on the 15th August, 1934.

ELECTRIC AND BUILDING OVERSEER IN THE LAHORE GENERAL POST OFFICE.

(a) A statement showing the duties of the Electric Mistri and building overseer, Lahore General Post Office, is attached.

(b) Yes.

(c) It is a fact that there is a qualified Conservancy Inspector for the Lahore General Telegraph Office; there are also Building Overseers attached to the Punjab Circle Office and to the office of the Divisional Engineer, Telegraphs, Lahore, but these officials are not required to look after the Lahore General Post Office; they have different duties of their own in their respective offices.

(d) Such an offer has been made on one occasion only.

(e) No, the latter part of the question does not arise.

(f) No.

Duty sheet of M. Azim Baksh, Electric Mistri and Building Overseer, Lahore General Post Office.

1. To supervise the cleaning of the Circle office, General Post Office building and Postal Stables and Compound attached.

2. To supervise the work of the gardener, water carriers, Farrashes and the Chowkidars.

3. To take the Electricity meter reading of Lahore General Post Office and of the Town Sub-Offices.

4. To take water meter reading of the Lahore General Post Office and of the Postal Stables.

5. To close the main electric switches at 20 hrs. after close of the office and to open them in the morning before 6 A.M.

6. To replace the fused bulbs in the General Post Office.

7. To remove the waste papers to Stock Depot every 2nd or third day.

8. To look to the cleanliness of the glasses of the doors, windows of the General Post Office building.

9. To keep the old furniture of the Post Office in the Godown in his charge.

10. To shift the furniture of any branch from one room to another when necessary.

11. To maintain the record of electricity bills received for General Post Office and the Town Sub-Offices.

12. To stamp with electric machine in the sorting branch from 16-0 to 19-0 hours the letters, etc., posted for despatch.

13. To see that the Chowkidars are alert and perform their duties properly.

14. To maintain the record of officials living in the premises of the General Post Office and postal stables.

Information promised in reply to unstarred question No. 62, asked by Seth Liladhar Chaudhury on the 15th August, 1934.

ALLEGATIONS AGAINST THE TOWN INSPECTOR, DELHI HEAD POST OFFICE.

(a) The fact is not exactly as stated by the Honourable Member. Three Town Inspectors of Delhi General Post Office were concerned in the case referred to by him and disciplinary action against them was taken by the Postmaster, Delhi, who was competent to deal with them. They were also ordered by the Postmaster-General, Punjab and North West Frontier Circle, to be transferred as clerks but the Postmaster-General subsequently cancelled this order for administrative reasons. The last part of the question does not arise.

(b) As regards the first part, it is not a fact that the Town Inspector absented himself from Air Mail duties or prepared false diaries. He, however, posted wrong test-cards, and, for this, disciplinary action against him was taken by the Postmaster, Delhi, who was competent to deal with him. The remainder of the question does not arise.

Information promised in reply to unstarred question No. 64, asked by Seth Liladhar Chaudhury on the 15th August, 1934.

INITIAL PAY OF GRADUATES IN THE POSTAL DEPARTMENT.

(a) Yes.

(b) Government have been unable to trace any such circular.

(c) The reply to the first part of the question is in the affirmative, the second part does not arise in view of the reply to part (b) above.

(d) (i) The concessions were allowed in order to attract men of superior educational qualifications to the ordinary time scales of the clerical cadre. They were withdrawn as their continuance was not considered necessary.

(ii) No special facilities are granted to the new entrants referred to by the Honourable member. They are expected to take their chances with other officials in the clerical cadres where promotions are not made according to educational qualifications but according to seniority and merit, and in some cases, according to the results of departmental examinations.

(e) No, the Honourable Member is referred to the reply given to parts (d) (i) and (ii) above.

Information promised in reply to starred question No. 633, asked by Mr. Gaya Prasad Singh, on 20th August, 1934.

SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY STAFF.

The Agent, East Indian Railway, reports :

"(a) On the assumption that these questions only refer to divisional staff, it is only Engineering staff for whom separate seniority lists are maintained and among such staff East Indian Railway staff are not promoted to Oudh and Rohilkhand Railway vacancies any more than Oudh and Rohilkhand Railway staff are promoted to East Indian Railway vacancies. This does not mean that old Oudh and Rohilkhand Railway subordinates have not been transferred to the old East Indian Railway sections or vice versa, but it does mean that promotions have only been, and are only being made, in vacancies arising in their respective cadres. The only exception to the above was when the holders of two Oudh and Rohilkhand Railway Sub-Engineers posts retired, the posts were converted into Grade II Inspectors of Works and these were filled by East Indian Railway men although an adjustment was shortly after made by filling the next two vacancies in that grade by Oudh and Rohilkhand Railway men, thus maintaining the correct proportions.

It is not proposed to amalgamate seniority lists of the staff of both sections on account of the difficulties governing such an amalgamation. There is no necessity to alter the existing proportions of the posts held respectively by old East Indian Railway and old Oudh and Rohilkhand Railway staff as the proportions which existed prior to the amalgamation have not been changed.

(b) Presumably the Honourable Member refers to the revised (co-ordinated) scales of pay of 1923. These revised scales of pay for the subordinate staff on the East Indian Railway were intended for new entrants, but the existing staff were permitted to exercise the option to elect them. The staff on the Oudh and Rohilkhand and East Indian Railway scales of pay when promoted to posts outside their normal avenue of advancement automatically came on to the revised scales of pay. If promoted in their normal avenue of advancement they were not brought on to the revised scales unless they elected those scales.

(c) and (d). As far as the Railway is aware there are no cases of men who were brought on to the revised scales otherwise than in accordance with the existing rules."

Information promised in reply to starred question No. 669, asked by Mr. M. Maswood Ahmad, on the 20th August, 1934.

RECESS ON FRIDAYS TO MUSLIM EMPLOYEES IN THE EAST INDIAN RAILWAY WORKSHOP AT LUCKNOW.

The Agent, East Indian Railway, reports as follows :

"(a) Prior to 1922, short leave was given to Muhammadan employees for prayers on Fridays only if the state of the work permitted. Since August 1922, one hour's leave on Fridays has been sanctioned to all Muhammadan workmen daily or monthly paid, but pay is deducted.

(b) In the locomotive shops at Lucknow, pay has been deducted for the time taken for Friday prayers in the case of journeymen and chargemen since 1922. In the case of the Carriage and Wagon Workshops at Lucknow, no deduction of pay was made in the case of journeymen and chargemen for prayer leave till last year, but this appears to be due to the fact that none of these men specified on their applications that the leave was required for the purpose of prayers. Orders were issued last year that the same procedure must be observed as in the locomotive workshops."

(c) The reply is in the negative. While it is possible for a railway administration to grant leave to an employee for special reasons without inconvenience or loss, it is obvious that the grant of leave simultaneously to a large body of men in a workshop will involve difficulties and cause loss.

Information promised in reply to starred question No. 690, asked by Pandit Satyendra Nath Sen, on the 20th August, 1934.

PRIVILEGES IN THE MATTER OF PAY, ALLOWANCES, ETC., TO TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

(a) Mr. Bishan Singh earned allowance on the vehicle mileage basis previously in force on the Kalka Simla Railway prior to the abolition of the posts of Travelling Ticket Examiners. He is now drawing pay as a Special Ticket Examiner plus consolidated travelling allowance admissible.

(b) The Agent, North Western Railway, reports that :

"Mr. Bishan Singh's pay as Travelling Ticket Examiner on Kalka Simla Railway was Rs. 75 per mensem in the scale of Rs. 55—5—105—10—155 at the time of his temporary transfer on 29th August, 1926, to Delhi Division to work as Special Ticket Examiners' Batch-in-Charge of Flying Squad when he was temporarily given Rs. 140 in the scale Rs. 105—5—140. He was also given daily allowance admissible under the rules."

(c) Yes, he was given Rs. 90 per mensem in his substantive scale of Rs. 55—5—105—10—155.

(d) Yes.

(e) In the scale of Rs. 105—5—140 which is the standard scale for Special Ticket Examiners, Grade III. No special scale has been created for this particular individual.

(f) and (g). Government are informed that the Pay of all Travelling Ticket Examiners was fixed in the scale of Special Ticket Examiners in accordance with Fundamental Rule 22(a).

Information promised in reply to starred question No. 694, asked by Pandit Satyendra Nath Sen, on the 20th August, 1934.

NON-PAYMENT OF GRATUITY TO TWO PERSONS OF THE DINAPORE DIVISION.

Government understand that Mr. Lall was not eligible for a gratuity as he was dismissed for misconduct.

Mr. Bose was paid his gratuity in October 1934. Government regret that there was some considerable delay in the payment.

Information promised in reply to unstarred question No. 70, asked by Mr. S. C. Mitra, on the 20th August, 1934.

CONSTRUCTION OF A BRIDGE ON THE CHITTAGONG-LAKSHAM BRANCH OF THE ASSAM-BENGAL RAILWAY.

(a) No.

(b) Government are informed that there has been no flooding due to the cause mentioned.

(c) Government understand that the 66 miles length of line from Chittagong is amply provided with waterways, as there are several very large bridges on this length, one of them at mile 65½.

(d) No.

(e) Government are informed that there have been requests for an opening at mile 66½ but enquiries made showed that there is no justification for it.

(f) There appear to be no grounds for any further enquiry.

Information promised in reply to unstarred questions Nos. 79, 80 and 81 asked by Mr. M. Maswood Ahmad, on the 20th August, 1934.

REDUCTION OF THE STATUS OF THE POST OF THE HEAD CLERK, MEDICAL BRANCH, NORTH WESTERN RAILWAY.

79. The Agent, North Western Railway, reports :

(a) No. The main work of the Medical Sections of the Chief Medical and Health Officer's Office has not been affected by the amalgamation of his office with that of the Headquarters Office.

(b) Does not arise.

REDUCTION OF THE POST OF SUPERINTENDENT, MEDICAL BRANCH, NORTH WESTERN RAILWAY.

80. (a) The reply is in the negative.

(b) No. The main work of the Medical branch is Medical and Sanitary work which has not been affected by the amalgamation of Chief Medical Officer's Office with that of the Headquarters Office.

(c) First part of the question does not arise. As regards the latter part there is also an Office Superintendent in charge of the Medical Branch, East Indian Railway, while on the Eastern Bengal, Great Indian Peninsula and Burma Railways Chief Clerks are in charge of Medical Branches of these Railways.

RESIDENTIAL ARRANGEMENT FOR THE RELIEVING STAFF ON THE NORTH WESTERN RAILWAY.

(a) and (d). The Agent, North Western Railway, reports :

Employees provided with free quarters while absent from duty on account of sickness or on leave of over 30 days are required to arrange before leaving to provide their reliefs with their quarters.

(b) In view of the reply given to part (a) above, the question of building relieving lodges does not arise. No such lodges have been built on the North Western Railway. The introduction of the Hours of Employment Regulations has, however, resulted in the provision of about 1,157 quarters on the Railway.

(c) The information asked for is not readily available.

(e) No. Rest Houses and Rest Rooms are intended for the use of officers and subordinates travelling on duty and exist only at a few important stations. Waiting rooms are intended for the use of members of travelling public, and Guards Running Rooms are provided exclusively for the use of members of the running staff and it would not be possible to determine the amount of accommodation that might be available at any particular time for other than running staff.

(f) No.

(g) Government are not aware of any such cases.

(h) and (j). Attention of the Honourable Member is invited to the reply given to part (f) of question No. 84 asked by him on the 20th August, 1934.

(i) No maximum limit has been prescribed for the employment of relieving staff out of headquarters as it depends on the exigencies of the service. However, when it can be foreseen that a relieving hand will be required to remain at any one station for more than six weeks, he is temporarily posted there and allowed necessary passes for his family and luggage to enable him to carry out a temporary transfer. In cases in which the duration of a vacancy cannot be foreseen or where it is initially for a period of six weeks or less relieving staff are granted daily allowance up to 30 days. In deserving cases daily allowance beyond six weeks' halt at a station is allowed with the sanction of the Agent.

Information promised in reply to unstarred questions Nos. 90 and 91 asked by Mr. Bhuput Sing on the 20th August, 1934.

TIME OF ATTENDANCE IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

90. (a) Yes.

(b) The reply to the first part of the question is in the negative. The second part does not arise.

(c) So far as the offices of the Controller of Telegraph Stores and Accounts Officer, Telephone Revenue, Stores and Workshops, Alipore, are concerned, the reply is in the affirmative. The closing hour of the offices of the Electrical Engineer-in-Chief, Superintendent, Telegraph Workshops, Alipore, and Divisional Engineer, Eastern Wireless Division, Alipore, is 2 P.M. on Saturdays and 5 P.M. on week days.

(d) The facts are not as stated by the Honourable Member.

(e) No such circular is traceable. But it has not been the practice in these offices to grant last Saturday holidays. Half holidays on Saturdays, however, have never been stopped.

(f) In view of the replies given to parts (c) and (d) above, the question does not arise.

(g) In view of the replies to parts (a) to (f) of the question, no modification of the existing rules is necessary.

HOLIDAYS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

91. (a) Government have made inquiries and ascertained that in some of the offices in the Telegraph Storeyard, Calcutta, some clerks are required to attend office occasionally on some of the holidays to which the Honourable Member refers, in order to deal with urgent work.

(b) There is a General Order of the Director-General of Posts and Telegraphs directing that the instructions issued by the Home Department regarding the grant of holidays to ministerial establishments should be followed by all offices of the Posts and Telegraphs Department. These instructions lay down that as a general rule, offices should be closed entirely on Gazetted holidays subject to the condition (i) that a holiday notified under the Negotiable Instruments Act may be stopped in the case of any individual guilty of idleness or inattention to duty and (ii) that very urgent work may be required on a holiday provided that a man who has to attend on a holiday shall get another one in its place. These instructions are followed in the offices in the Telegraph Storeyard.

(c) No such discrimination is made.

(d) The Honourable Member is referred to the reply given above to part (a) of his question.

(e) The reply to the first part of the question is in the negative. The latter part does not arise.

Information promised in reply to part (b) of starred question No. 720 asked by Khan Bahadur Haji Wajihuddin on the 21st August, 1934.

PROMOTION OF SUB-ASSISTANT SURGEONS EMPLOYED ON RAILWAYS.

(b) The provision in the rules is only meant for the Railway Sub-Assistant Surgeons and not for those whose services are lent temporarily to the Railway Department.

Information promised in reply to starred question No. 729 asked by Sardar G. N. Majumdar on the 21st August, 1934.

APPOINTMENT OF GUARDS IN THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows :

“(i) and (ii).

(a) The Anglo-Indian fireman passed the examination in guard's duties including Absolute Block System on the 23rd August, 1933, and passed the Assistant Station Master's Refresher Course held at Chandausi from the 6th January, 1934 to 4th February, 1934.

(b) The Anglo-Indian shunter passed in guard's duties on the 8th April, 1934. He has also passed second class goods driver's grade examination at Asansol Training School on the 23rd September, 1933, gaining 96 per cent. of the possible marks. Prior to this, on the 29th May 1932, he was certified by the Staff Inspector as having passed in rules (general and subsidiary), forms, train and engine lights, engine working, vacuum brake and signals.

(iii) No Indian driver, fireman or shunter who failed in eyesight during the period from the 1st January, 1933 to 26th August 1934 has received the same treatment as the Anglo-Indian fireman and shunter referred to above for the following reasons :

(a) *Indian firemen*.—These men were illiterate and obviously unfit for absorption as guards in either grade I or grade II or even in any clerical grade.

(b) *Indian shunters*.—Three shunters failed in eyesight test during the period from the 1st January 1933 to 26th August, 1934. One of them was declared unfit on account of defective vision in any category and the other two shunters were declared fit for category A-3*. Consequently it was out of the question to absorb any of them as guards who come under category A-2*. One of the shunters fit for category A-3* who was drawing Rs. 40 in grade Rs. 30-5-40 was absorbed as a cleaner Tindal on Rs. 32 and after three months as a Pump Engine man on Rs. 40, the pay he was drawing as a shunter. The third shunter was declared fit for category A-3* only “with glasses” but could not provide himself with glasses and had to leave the service. He was nearly 49 years of age and was drawing Rs. 35 in grade Rs. 30-5-40.

Indian drivers.—Four Indian drivers were declared unfit on account of defective vision during the period in question and three of them were pronounced unfit on account of defective vision in any category. The fourth driver who was on Rs. 65 grade Rs. 65-5-85, was passed fit in category B-2*. He could not be absorbed as a guard under category A-2* but was absorbed as a shedman on Rs. 45*.

*Details of the staff which fall under various categories are given in the “Regulations for the Medical examination of Candidates and Employees, Non-Gazetted (including Inferior) and Labourers’ grades, Indian State Railways”, copies of which are in the Library of the House.

Information promised in reply to starred question No. 734 asked by Pandit Satyendra Nath Sen on the 21st August, 1934.

CONFIRMATION OF TEMPORARY STAFF ON THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports that it is not possible to fix the conditions quoted in the above question to any regulation imposed by the North Western Railway Administration on temporary clerks.

Information promised in reply to starred question No. 735 asked by Sardar G. N. Majumdar on the 21st August, 1934.

POSTS OF CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

Government have been assured that the allegation of racial discrimination in filling the posts of Controllers in the Moradabad Division of the East Indian Railway is unfounded. Several Indians have held the post during the period in question.

Information promised in reply to starred question No. 809, asked by Mr. Bhuput Singh, on the 22nd August, 1934.

AUDIT OF THE ACCOUNTS OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

(a) Yes.

(b) The Secretary's resignation was accepted by the President two weeks after the commencement of his leave.

(c) The Secretary was not in charge of the accounts for which an accountant is employed.

(d) The accounts are audited annually and the Government do not consider that any special audit is necessary.

Information promised in reply to starred question No. 833, asked by Sardar Sant Singh, on the 28th August, 1934.

CLOSING OF THE GATE NEAR LYALLPUR RAILWAY STATION ON THE GATI SIDE.

(a) Thirty-two.

(b) Yes. The gates are closed 31 times in 24 hours.

(c) The period of closure is six minutes for passenger trains and eight minutes for goods trains. Government are informed that it is not considered that any undue hardship is caused to motor traffic justifying the expense of providing an over-bridge.

Information promised in reply to starred question No. 896, asked by Sardar Sant Singh, on the 30th August, 1934.

STATION MASTER'S EXAMINATION IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

“(i) Audit Order Books are provided at each station and can be referred to by staff who wish to study for the Goods Accounts Examination.

(ii) These books are not supplied to each member of the staff individually but they are available for reference at stations.

(iii) No. The Station Masters' examination is not considered equivalent to the Goods Accounts Examination which is the necessary qualifying examination for station masters and Inspectors.”

Information promised in reply to starred question No. 902, asked by Mr. M. Maswood Ahmad, on the 30th August, 1934.

ALLEGED NEGLIGENCE OF POLICE IN AJMER.

(a) Yes.

(b) A copy is given below.

(c) Enquiries are in progress.

Copy of Resolution passed by the Muhammadans of Ajmer at a meeting held on the 20th July, 1934.

"This meeting of the Muslims expresses its grief and indignation at the tyranny practised by the Police in connection with the riot at the Ghantaghar mosque and requests the Government to institute enquiries and decide the matter which has been pending for a long time".

Information promised in reply to starred question No. 918, asked by Mr. Lalchand Navalrai, on the 30th August, 1934.

TRAIN CONDUCTORS ON THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports as follows :

"(a) Train conductors are not employed on the North Western Railway. Conductor guards are employed on certain mail trains but there is no separate fixed cadre for this category, individuals being drawn from the senior most grade IV guards, who usually work mail and express trains.

(b) At present the senior most guards grade IV who are employed as conductor guards are Europeans and Anglo-Indians.

(c) The regular conductor guards are drawn from the senior most grade IV guards, Scale Rs. 125-10-185-15/2-200-210, who usually work mail and express trains, while extra conductor guards required to accompany trains on which there is no regular conductor guard when lady passengers may be travelling alone at night, are usually drawn from the guards stationed on waiting duty. The duties of those utilized as conductor guards are given below :

- (I) To keep a complete chart of the upper class accommodation available on the train and how it is occupied;
- (II) To see that 1st and 2nd class passengers for whom berths are reserved are accommodated in their respective compartments;
- (III) To accommodate other 1st and 2nd class passengers in the vacant berths and seats;
- (IV) To wake up at night 1st and 2nd class passengers at stations as required by them;
- (V) To telegraph to the next station provided with refreshment rooms for meals required by passengers;
- (VI) To look after lady passengers' safety at night;
- (VII) To examine all door bolts and window fasteners on compartments occupied by lady passengers and see that they are in thorough working order and to instruct lady passengers in their use;
- (VIII) To take over charge of trains in addition to their own duties if the guard-in-charge falls sick or meets with an accident on the road; and
- (IX) To render general assistance to passengers of all classes.

(d) No. A Ticket collector is stationary and fully occupied in manning the gates and checking and collecting the tickets of passengers. A Special Ticket Examiner is either employed in a stationary capacity in the same way as a Ticket Collector or in travelling with a train when he is similarly employed in checking the tickets of passengers in the train and his beats seldom coincide with those of Train Guards. Moreover, neither employee, is required to be a qualified guard and would be unable to take over charge of a train, if required.

(e) As explained in reply to part (a) of the question the senior most guards are utilized as Conductor Guards but in no case is any individual given an extension of service for such employment.

(f) Yes."

Information promised in reply to starred questions Nos. 922 and 923, asked by Mr. S. G. Jog, on the 30th August, 1934.

RE-INSTATEMENT OF THE DEMOTED DRIVERS OF THE GREAT INDIAN PENINSULA RAILWAY.

922. Yes.

The Agent, Great Indian Peninsula Railway, reports :

"(i) to (iii). It is not possible to say what material difference there may be between the meaning of the expressions given unless it is known in what connection they have been or are to be used. No special or peculiar meaning is attached to them apart from what could be understood from the manner of their use. In the instance, however, referred to, the term 're-instated' meant that the drivers who had been demoted from the 'A' grade to the 'C' Grade were promoted again to the 'A' Grade, and those who had been demoted from the 'B' Grade to the 'C' Grade were promoted again to the 'B' Grade. There is no rule under which the period of duty performed in a demoted post can be allowed to count for increments in another post to which the man is re-promoted.

(iv) Fundamental Rule No. 26 is applicable.

(v) No increments were due on re-instatement."

INCREMENTS OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

923. (a) Government are informed that none of the staff were called upon to forego their arrears on account of increments.

(b) In view of the reply given to part (a) above, the question does not arise.

Statement promised in reply to part (c) of unstarred question No. 123, asked by Mr. Sitakanta Mahapatra, on the 30th August, 1934.

TELEPHONE OPERATORS.

123.

Circle.	Number of Telephone Operators employed.	
	Class I.	Class II.
Bengal and Assam	61	15
Bihar and Orissa	18	29
Bombay	40	18
Burma	28	7
Central	12	*31
Madras	17	†54
Punjab and N.-W. F.	123	106
United Provinces	36	71
Sind and Baluchistan	4	14

* Includes 3 temporary Operators and excludes 2 temporary Operators on fixed pay.

† Includes 4 temporary Operators.

Information promised in reply to starred question No. 971, asked by Mr. D. K. Lahiri Chaudhury, on the 31st August, 1934.

PROMOTION OF SUBORDINATES OF THE AUDIT DEPARTMENT OF CERTAIN RAILWAYS.

(a) (i) Great Indian Peninsula Railway.

4 Assistant Auditors and Accountants (Senior Scale).

7 Assistant Auditors and Accountants (Junior Scale).

Direct recruits—7.

(ii) East Indian Railway.

5 Auditors.

7 Assistant Auditors.

Direct recruits—2.

(iii) Burma Railways.

2 Auditors (Senior Scale).

3 Auditors (Junior Scale).

Direct recruits—3.

(b) I understand that no definite proportion had been prescribed for recruitment by direct appointment and by promotion. Promotions were made with due regard to efficiency provided suitable candidates were available. The promotion of a fairly large number from subordinate ranks appears to have been a special feature of the war and the post-war periods.

(c) Yes, more or less.

(d) Yes.

(e) It is usual for subordinates to get promotion to the Lower Gazetted Service in the first instance and then work their way up to the superior ranks. There is no bar against the promotion of a subordinate directly to the superior ranks.

(f) and (g). Recruitment is now made for the Accounts Department of State-managed Railways as a whole and not separately for each Railway, and the posting and composition of the officers on each Railway depends on the exigencies of service. The number of superior posts and the number held by officers of the Indian Audit and Accounts Service and the Indian Railway Accounts Service (which includes co-company officers holding superior posts) and the number of posts of the Lower Gazetted Service on each of the three railways at present are as follows:

Superior Posts.

	Sanction	Held by officers of the I. A. & A. S.	Held by officers of the I. R. A. S.
Great Indian Peninsula Railway	8	1	7
East Indian Railway	13	5	7 (1 post temporarily vacant.)
Burma Railways	4	1	2 do.

Lower Gazetted Service

	Sanction.
Great Indian Peninsula Railway	2
East Indian Railway	8+2 (temporary).
Burma Railways	2+1 (temporary).

(h) A certain number of posts in the Railway Accounts Department is temporarily reserved for members of the Indian Audit and Accounts Service. The number was based on a consideration of the posts actually held by them before the separation of Accounts from Audit.

Information promised in reply to starred questions Nos. 982, 983, 984 and 985, asked by Mr. Sitakanta Mahapatra, on the 31st August, 1934.

COOLIES WORKING IN TEA GARDENS AT CERTAIN PLACES.

982. (a) General information as to the number of persons engaged in the cultivation of tea will be found in the occupational tables of the census of 1931. In Assam, the only Province for which annual statistics are collected, the number of adult labourers (working and not working) and children living in garden lines and on garden land was 1,089,490 at the close of the year ending the 30th June, 1933. Separate statistics for working labourers are not available. Government have no information other than that given in the census reports regarding the places mentioned in the question other than Assam.

(b) and (c). The information asked for is not available.

(d) Statistics for the number of children of school going age are not available. The number of pupils in all classes of the tea garden (primary) schools in Assam is about 5,000. There are no secondary schools on the tea gardens, but in a few exceptional cases managers of tea gardens have been known to give secondary education to intelligent workers' children and employ them afterwards as clerks or the like.

(e) Instruction in tea garden schools is imparted in Assamese in the Assam-Valley and in Bengali in the Surma-Valley.

(f) Government have no reason to suppose that the position is as stated in the first part of the question. The latter part does not arise.

(g) No.

(h) The labour rules govern the enticing of labour from one garden to another. Wages are regulated by wage agreements fixing the level of wages by areas or districts.

(i) Government do not possess a copy of the "labour rules" or wage agreements.

(j) Yes. The reason is that families are more likely than single men to settle permanently in Assam.

(k) No.

(l) No. The proposition is not feasible.

FEE CHARGED FOR EACH COOLY RECRUITED TO THE ASSAM TEA GARDENS.

983. (a) No fee is charged by Government. A cess called the Emigrant Labour Cess, the proceeds of which are applied exclusively to meet expenditure incurred in connection with the emigrant labour control established under the Tea Districts Emigrant Labour Act, is payable in respect of the entry into Assam of each assisted emigrant by the employing interest on whose behalf he was recruited. The rate of the cess, which is fixed by the Governor General in Council, was Rupees five during the year, ended 30th September, 1934, and is Rupees three for the current year.

(b) No.

MONETARY VALUE OF THE PROPERTIES ACQUIRED BY THE ORIYA COOLIES IN ASSAM.

984. (a) Government have no information.

(b) Yes. Figures of the amount remitted are not available.

(c) The position is not as stated. The Tea District Emigrant Labour Act which came into force on the 1st October, 1933, confers certain definite rights of repatriation on all emigrant labourers recruited since that date.

RECRUITMENT OF COOLIES IN TEA GARDENS.

985. (a) No.

(b) The recruitment of tea garden labourers is made by licensed local forwarding agents. Their duty is to recruit those whom they consider suitable for labour on tea gardens and they must use their own discretion in each case.

(c) The position is not as stated.

Information promised in reply to starred question No. 991, asked by Lal Rameshwar Prasad Bagla, on the 31st August, 1934.

ASSISTANT STATION MASTERS SENT FOR REFRESHER COURSE TO CHANDAUSI.

991. (a), (b), (d), (e) and (j). Assistant Station Masters over 45 years of age are not required to attend a refresher course.

(c) The refresher courses make for improvement in efficiency, a factor which cannot be ignored in railway working.

(f) The average monthly budgetted expenditure on the Chandausi School is Rs. 6,483.

(g) 41 per cent.

(h) Yes. They receive training and have to pass an examination on appointment in the following subjects:

(i) Train Passing Rules.

(ii) Train Movement Rules.

(iii) Elementary Rules in Coaching and Goods Duties.

For the sake of efficiency assistant Station Masters below 45 years of age are required to attend a refresher course every 5 years in accordance with the rules for recruitment and training of subordinate staff on State-managed Railways copies of which are already in the Library of the House. Assistant Station Masters are also required to qualify and pass an examination in the handling of Block Instruments and the Refresher Courses are a preliminary to this examination.

(i) Government understand that according to the latest orders in force on the East Indian Railway a special report is required to be sent to the Divisional Superintendent concerned in regard to each Assistant Station Master who may fail in any subject at the Training School and it rests with the Divisional Superintendent to allow him to continue in his post or to remove him from that post and provide him with any other suitable post which may be available

Information promised in reply to starred questions Nos. 996 and 997, asked by Maulvi Muhammad Shafi Daudi, on the 31st August, 1934.

PERMISSION GIVEN TO THE ELECTRICAL ENGINEER, PUSA RESEARCH INSTITUTE, TO RUN A CINEMA.

996. (a), (b), and (c). In November, 1931, permission was granted by the Director of the Pusa Institute to the wife of the Electrical Engineer of the Institute, to hold occasional Cinema shows for the entertainment of the residents of the estate, subject to certain restrictions. About eight shows were held during 1932 and a small fee was charged to cover the incidental expenses. The shows were not run for profit. A sum of Rs. 39-11-9 was recovered by Government on account of the consumption of electric current which was metered.

(d) and (e). The reservoir supplies water for the ice plant and for the staff of the power house and the workshop. Electric current is used for pumping up water from the well into the reservoir. As there is no well in the compound of the Electrical Engineer's house he has been permitted by the Director to take a pipe to his house from the reservoir at his own expense. No charge is made for the water.

RETRENCHMENT OF STAFF IN THE PUSA RESEARCH INSTITUTE.

Question No. 997.

Section or office.	Class I posts.		Class II and other gazetted officers.		Subordinate staff.				Inferior Establishment.	
	Pro-re-trenchment staff.	Staff re-trenched since 1931.	Pro-re-trenchment staff.	Staff re-trenched since 1931.	Non-ministerial.		Ministerial.		Pro-re-trenchment staff.	Staff re-trenched since 1931.
					Pro-re-trenchment staff.	Staff re-trenched since 1931.	Pro-re-trenchment staff.	Staff re-trenched since 1931.		
Director's office including artists.	1	..	..	..	9	..	31	7	18	..
Central Bureau of Animal Husbandry and Dairying, Bangalore.	..	..	..	..	..	..	2	2	..	..
Imperial Dairy Expert.	2	1	..	..	..	..	5	..	6	1
Physiological Chemist.	1	..	..	..	6	..	2	..	7	1
Chemical Section.	2	2	..	..	6	..	2	..	9	..
Entomological Section.	2	2	..	..	18	..	3	..	8	..
Mycological Section.	1	1	..	..	7	..	2	..	7	..
Bacteriological Section.	1	1	..	..	2	..	2	..	14	..
Agricultural Section including Agronomist.	3	2	..	..	28	..	8	1	22	6
Botanical Section.	2	..	..	..	8	..	2	..	11	..
Karnal Farm.	..	..	..	..	5	..	5	..	..	..
Wellington Farm.	..	..	..	..	2	..	4	..	..	..
Bangalore Farm.	..	..	..	..	4	..	4	..	..	..
Medical Establishment.	..	..	..	..	7	..	1	..	..	..
Estate Establishment.	..	..	..	..	4	..	3	..	..	..
Gas, ice and electric installations.	..	..	..	..	20	..	3	..	20	..
Sugarcane Expert.	2	..	1	..	15	..	5	..	11	..
Total	19	—7	17	—1	146	—6	84	—13	138	—9

NOTE 1.—Entries in columns under the heading "staff retrenched" include posts which were lying vacant and which were abolished as a measure of retrenchment.

NOTE 2.—No reduction was found possible in the Power House establishment as it was considered that the Power House could not function efficiently with a smaller staff.

Information promised in reply to starred question No. 999 asked by Mr. S. G. Jog, on the 31st August, 1934.

GRANT OF PASSES TO THE TRAVELLING TICKET EXAMINERS AND INSPECTORS ON THE EAST INDIAN RAILWAY.

The position on the East Indian Railway is as follows:

(a) *Duty passes*.—Each Travelling Ticket Examiner is issued a pass on the reverse of which is a certificate authorising him to check tickets.

To avoid multiplicity in the type of passes in use, this certificate was printed on the reverse of a number of inter class pass forms intended for the use of Travelling Ticket Examiners, as the majority are in receipt of pay which entitles them to that class of pass.

Certain Travelling Ticket Examiners entitled to second class passes were, through an oversight, included in the number of those to whom these special inter class passes were issued. This mistake, on being brought to notice, was corrected, and second class passes issued to them.

Privilege passes.—Privilege passes are granted to Travelling Ticket Examiners according to their salaries as follows:

Class.	To men under East Indian Railway Rules.	To men under Oudh and Rohilkhand Railway Rules.
2nd . .	From Rs. 116 and above	From Rs. 126 and above.
Inter . .	Below Rs. 116	From Rs. 125 below to Rs. 50.
3rd . .		Below Rs. 50.

(b) There are no Travelling Ticket Inspectors under the Accounts Department.

(c) In view of the answer to (b), this does not arise.

Information promised in reply to parts (e) to (g) of unstarred question No. 135, asked by Mr. S. G. Jog, on the 31st August, 1934.

MEETINGS OF THE EAST INDIAN RAILWAYMEN'S UNION, LUCKNOW.

The Agent, East Indian Railway, reports:

(e) No action was taken by the Railway authorities either directly or indirectly to check the Conference activities of Union officials.

(f) It is not a fact that Mr. B. K. Mukerjee was reprimanded by the Employment Officer of the Locomotive Shops, Lucknow just before the Conference because he received a notice of a meeting of the Committee.

The facts of the incident to which it is presumed reference is made are as follows:

"One day the Head Clerk brought to the Employment Officer's notice that an official of the Union had entered the office without permission (as is required under Standing Orders), bringing with him several letters belonging to the Union for Mr. B. K. Mukerjee's signature.

The Head Clerk saw Mr. Mukerjee signing some of these papers and he reported the fact to the Employment Officer who sent for Mr. Mukerjee and informed him that whilst he was in the office, he was expected to devote his full time to office work."

(g) The Workshop gates in question apparently refer to the main gates of the Carriage and Wagon Works at Alambagh Lucknow. Beyond the gates there is a fenced area which encloses the Time Office, cycle shed and tiffin room. It appears that prior to the latter part of last year, Union officials, money lenders and others entered this area in order to collect subscriptions from the workmen as they left the workshops, and it was therefore decided, during the latter part of last year, that with the exception of licensed vendors who supply foodstuff to the workmen, no outsiders were to be permitted within the fenced area.

MOTION FOR ADJOURNMENT.

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have received a notice from Mr. Satyamurti that he proposes to ask for leave to move a motion for adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance as follows:

"The issue of a confidential circular of the Government of India, Home Department, Political, dated November 23rd, 1934, addressed to all Local Governments and Administrations on the situation arising out of the decisions of the Bombay Congress."

To enable the Chair to arrive at a clear opinion on this motion for the adjournment of the House, I should like to hear from the Honourable Member who has given notice of this motion the reasons for which he considers the issue he has raised to be (a) a definite matter and (b) a matter of urgent public importance. After hearing what the Honourable Member has to say on this motion and after hearing further opinions, if I may so desire, I shall come to the conclusion as to the acceptance or otherwise of this motion for adjournment.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I am thankful to you for giving me the opportunity to address you on these two matters. In the first place, that it is a definite matter, I may say that it refers to a circular of the Government of India in the Home Department which undoubtedly refers to many points, but the matter to which I wish to attach importance is the act of the Government of India—that they have issued this communiqué. There will be many reasons which I shall advance when the due time arrives, and I hope to convince the House that the action of the Government of India in issuing this circular is a matter to be censured by this House. The definite matter that I wish to raise is not the contents of the circular but the issue of the circular itself which is a definite act of the Government of India. As to the second point as to how it is urgent, it has been held both in Parliament and in the rulings of the Indian Legislatures that I am acquainted with, that if a matter arises between one Session and the other of the Legislature, and if the matter is raised on the very first day, it is a matter of urgency. I have not lost any time

in bringing up the matter before this Legislative Assembly.

There was no opportunity either for the old Assembly or for the new Assembly to deal with this matter. If my information is correct, after the issue of the circular, the old Assembly, although it continued to exist, did not meet. There was no meeting of the old Assembly after the issue of the circular, and this is the first meeting of the Assembly at which the matter could have been dealt with by the Assembly, and

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therefore, I submit on both these matters that it is a matter of very definite character, namely, the action of the Government of India in issuing this circular, and, secondly, that it is urgent, because, between the issue of the circular and this meeting of the Assembly, there was no other meeting and this is the earliest opportunity on which I could have brought up this matter. I, therefore, submit that this motion is in order.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member please inform the Chair as to what specific matter he actually refers in this circular that has been issued by the Government? In the motion I have before me, it is stated that it arises out of the decisions of the Bombay Congress. The decisions are multifarious. The rules allowing motions for adjournment state that the matter that comes up for discussion here must be restricted to a specific matter. I do not desire to refer to the question of recent occurrence, because, I agree with the Honourable Member that this is the first opportunity the House has been given since it last met to discuss the issue of this confidential circular. I should like to hear from him what is the specific nature, not the general nature.

Mr. S. Satyamurti: If the circular has actually been issued by the Government and if the contents are as I find them in the newspapers, then the specific matter is the attitude which the Government of India want their district and other officials to take towards the activities of Mahatma Gandhi in connection with the Village Industries Association. The circular no doubt gives various reasons, but the operative part of the circular is this. In the last paragraph of this long circular they say:

"The Government of India will be glad to have the comments of the Local Government both on this appreciation of the situation and on the measures suggested to meet it. They trust that if 'the Governor-in-Council agrees—you agree—generally with their views he will take steps to distribute this letter widely to district officers and others for they feel that even though the implications of the Bombay Congress are fully appreciated by the Local Government—you—local officers may not be fully aware of them.'"

The specific matter I want to be discussed, Mr. Chairman, is this, the attitude which the Government of India want their district and other Government officials to take towards the activities of Mahatma Gandhi's Village Industries Association. No doubt the letter is a long one, it gives various reasons, but the operative part is towards the end in paragraph 21 where the circular says what attitude the Government officers should take towards the Village Industries Association. The circular says:

"In particular, district officers and others may feel doubtful what attitude they should take, if for example Mr. Gandhi or any local leader asked for their assistance in this work."

That is a very specific matter. They give a lot of reasons as to why Government officials ought not to co-operate with Mahatma Gandhi even in this innocent scheme, when he stays out of politics and starts a purely non-political organisation. The operative part of the whole document is where the Government of India direct the Local Governments and through them the district and other officers to take a definitely hostile attitude towards the activities of Mahatma Gandhi in this direction. That is a specific matter which I want to raise on the floor of the House.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member for the information of the Chair state whether the Village Industries Association, as initiated by Mahatma Gandhi, formed part of the decisions of the Bombay Congress?

Mr. S. Satyamurti: Yes, Sir. By a Resolution.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member inform this House what is the authenticity of this circular?

Mr. S. Satyamurti: The Honourable Members on the Government Benches can easily tell the Chair as to whether the circular has been issued or not. From the information in my possession, I honestly believe that such a circular has been issued. If the circular has not been issued and if the Government say so, then there is an end of the matter. But if the Government say, yes, then we shall proceed to discuss the motion. I cannot give any authentic information as to whether the circular has been issued or not. I believe, to the best of my ability, that this circular as published in the newspapers contains internal evidence as to its authenticity, because the numbers and the dates of certain previous circulars are given in this circular. I, therefore, think it is an authentic circular. Let the Government deny it, there will be an end of the matter.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I call upon the Honourable the Home Member to hear what he has to say on this matter.

The Honourable Sir Henry Craik (Home Member): The Government do not for a moment deny that the circular has been issued. (Hear, hear.) The Government welcome a discussion on this motion this afternoon and they do not for a moment desire to raise any obstacle in the way of the discussion which it is proposed to have. (Applause.)

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have to enquire whether any Honourable Member has any objection to this motion.

Sardar Sant Singh (West Punjab: Sikh): May I just explain some matters?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Has the Honourable Member any objection to raise in regard to this motion for adjournment? I do not desire to give the Honourable Member any opportunity for explanation except it be to confine his remarks to any objection he may have to the motion for adjournment.

Sardar Sant Singh: Mr. Chairman, I am not raising any objection to the motion.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Then, I must rule the Honourable Member out of order.

[Mr. Chairman.]

As no objection has been taken to this motion and as the Honourable the Mover has explained to my satisfaction the authenticity of the circular which has been accepted by the Government and as he has also explained to the satisfaction of the Chair that this matter is one of urgency in that no previous opportunity had been afforded to this House to discuss this matter after the publication of this circular, there can be no doubt that this matter is one of public importance. I rule that this motion for adjournment is in order. I consider that the House should be given an opportunity to express itself freely and frankly on any matter which in its opinion consists of absence of co-operation of whatever nature it be. I, therefore, accept this motion for adjournment, and I appoint four o'clock today as the time for moving this motion.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) in the Chair.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir James Grigg (Finance Member): Sir, I move:

"That this Assembly do proceed to the election, for the rest of the financial year, 1934-35, in such method as may be approved by the Chairman, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

"That this Assembly do proceed to the election, for the rest of the financial year, 1934-35, in such method as may be approved by the Chairman, of a Standing Finance Committee of the Assembly not exceeding fourteen in number, to which shall be added a Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I move:

"That this Assembly do proceed to elect in such manner, as may be approved by the Chairman, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

"That this Assembly do proceed to elect in such manner, as may be approved by the Chairman, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR ROADS.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly do proceed to the election, in such method as may be approved by the Chairman, of six Members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Road Account during the remaining months of the financial year, 1934-35."

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

"That this Assembly do proceed to the election, in such method as may be approved by the Chairman, of six Members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Road Account during the remaining months of the financial year, 1934-35."

The motion was adopted.

ELECTION OF TWO MEMBERS TO SERVE ON THE RESERVE BANK OF INDIA (ISSUE AND ALLOTMENT OF SHARES) COMMITTEE.

The Honourable Sir James Grigg (Finance Member): Sir, I move:

"That the non-official Members of this Assembly do proceed to the election, in such method as may be approved by the Chairman, of two elected Members of the Assembly to serve on a Committee to be constituted under section 4 (5) of the Reserve Bank of India Act (II of 1934), to be associated with the Central Board of the Reserve Bank for the purpose of making public issue of shares and looking after the first allotment of shares."

Perhaps I might say two words in amplification of this motion. The Central Board of the Reserve Bank have decided to hold their second meeting in Delhi and that will enable a procedure to be followed which, it is hoped, will be for the convenience of the elected Members who are to serve on this Committee. It will enable a full memorandum to be prepared by the Bank, for that memorandum to be communicated to the two Members from this House and one from the other who are to serve on this Committee, it will give them an opportunity to discuss the procedure contemplated in the memorandum with Mr. Taylor, one of the Deputy Governors-designate of the Reserve Bank, and it will enable the Committee to discuss and settle the procedure with the Board of the Reserve Bank itself when they meet in Delhi.

Sir, I move.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

"That the non-official Members of this Assembly do proceed to the election, in such method as may be approved by the Chairman, of two elected Members of the Assembly to serve on a Committee to be constituted under section 4 (5) of the Reserve Bank of India Act (II of 1934), to be associated with the Central Board of the Reserve Bank for the purpose of making public issue of shares and looking after the first allotment of shares."

The motion was adopted.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have to inform Honourable Members that for the purpose of election of Members to the Standing Finance Committee, 1934-35, the Standing Finance Committee for Railways, the Standing Committee for Roads, 1934-35 and the Reserve Bank of India (issue and allotment of shares) Committee the following dates have been fixed for receiving nominations and holding elections, if necessary, namely:

	Nominations.	Election.
Standing Finance Committee	24-1-35	28-1-35
Standing Finance Committee for Railways	24-1-35	29-1-35
Standing Committee for Roads	25-1-35	30-1-35
Reserve Bank of India (issue and allotment of shares) Committee	28-1-35	4-2-35

The nominations for all the Committees will be received in the Notice Office up to 12 Noon on each day appointed for the purpose.

As regards the elections to the Committees, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, the following procedure will be observed. The elections will take place in the Secretary's Room where the Assistant Secretary on the day fixed for an election will remain from 10-30 A.M. to 1 P.M. Honourable Members desiring to take part in the elections may during these hours go to the Assistant Secretary, get the ballot paper from him after signing in a register in token of their having received the ballot paper, record their vote and deposit the paper in the ballot box kept for this purpose in that room. On the day of an election notices will be posted in prominent places in the lobby to remind Honourable Members that the election is proceeding for a particular Committee on that day.

The Assembly then adjourned till Four of the Clock.

The Assembly re-assembled at Four of the Clock, Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) in the Chair.

MOTION FOR ADJOURNMENT.

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I desire at the outset to inform Honourable Members that I cannot allow one minute more than the time allotted to each Member for his speech. 15 minutes are allowed usually, but in exceptional cases I may extend the time for a

while. I would also ask the Mover of this adjournment motion kindly to confine his remarks, if he will, entirely to the circular relating to the Village Industries Association, and I shall not, under any circumstances, permit of anything else being introduced in that matter. I now call upon Mr. Satyamurti to move his motion.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I beg to move that the House do now adjourn to consider a definite matter of urgent public importance. I am very grateful to you, Sir, for allowing me to make this motion, and also to the Honourable the Home Member for the very ready manner in which he agreed to this adjournment motion being made, but this sudden acquisition of courage seems to be an act of after-thought. If the Government of India were so proud of their doings, I should have expected them to make this announcement in a public statement, either by the Governor General or by the Honourable the Home Member. They took the devious device of issuing a confidential circular, and when they were found out, they suddenly say "Oh, yes, we will stand by this circular". And what is this circular, Mr. Chairman? They first express their profound sorrow,—my profound sympathies are with them,—that we in Bombay did not split over the four points of difference among Congressmen on which they expected us to split. This Government often pride themselves on being absolutely sympathetic towards the legitimate aspirations of the people, that they are anxious that we should work together; but what does this circular say?

"Before the opening of the Congress there was some justification for anticipating that it might result in accentuating rather than diminishing the internal disputes in the Congress ranks, to which all Local Governments have drawn attention in recent reports."

That, I take it, therefore, to mean that this Government are very anxious that the Congress should split and break. And what are the points on which they expected us to differ? First, the Council entry programme. Often I have heard,—and I have heard the Honourable the Home Member and His Excellency the Viceroy saying,—that "we welcome Congressmen into the Legislatures, we are anxious to co-operate with them", but they are sadly disappointed, because we did not break our heads

The Honourable Sir Henry Craik (Home Member): Excuse me, Sir, for interrupting the Honourable Member. Can he quote a single word in which we express disappointment or profound regret? We merely say that certain anticipations have not been realised. They are not our anticipations alone, but they are the general anticipations, to which frequent expression is given in the Press, both in the Congress Press as well in the non-Congress Press.

Mr. S. Satyamurti: Mr. Chairman, I read English, I claim to understand something of this foreign language. I wish I had the time to read the whole circular, but I want the House to take it from me, that as I read those paragraphs, it looks as if the Government regret that the Congress did not split in Bombay. There was some justification for anticipating that that there would be a split on the Council entry programme, the Nationalist Party of Pandit Malaviya and Mr. Aney, the Congress Socialist Programme and Mahatma Gandhi's retirement from the Congress, but on none of these did we split, and the Government are very

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sorry that we did not split. But I want to tell the Government, Mr. Chairman, if I may, that they are very much mistaken in imagining that the Congress will split on these or on other differences.

Then they go on to discuss the changes in the Congress constitution, and they say:

"It appears to the Government that the true significance of these changes in organization is that they are intended to leave Congress far better equipped to carry on the political or parliamentary side of its work and in future the Congress will be in a position to claim that it represents rural interests as well as urban."

The Government of India are hard to please. In one breath they say that the Congress represents nobody but the infinitesimal minority of the political intelligentsia of the country. The moment the Congress takes further steps to identify itself with the masses of the people, the moment the Congress wants to claim the right of service to the people of this country and thereby establish its claim that it represents the masses, the Government say that it is a design which ought to be frustrated.

Then they further go on to say that the Congress as now re-constructed may represent Mahatma Gandhi's idea of a Constituent Assembly, and if the experiment succeeds, he will be able to point to Congress as a suitable machine capable of taking over the framing of the Constitution or even the future Government of the country. What is wrong in it, Mr. Chairman? We, speaking on behalf of the Congress here, undoubtedly claim to become the alternative Government of this country as early as possible. (Applause from the Congress Party Benches.) Undoubtedly we are here to take over the Government of this country, and we will carry on our non-violent and peaceful methods, in order that we may take the place which is now wrongly occupied by the present Treasury Benches. I do not see why the Government should grudge the Congress making good that claim by trying to identify itself with the masses of the people. And more than all this, Mr. Chairman, the Government Circular further says that "Mahatma Gandhi's attitude towards parliamentary activities also appears unchanged, and in a public statement he has said that though he is the author of the non-co-operation movement, he is convinced that in the present condition of the country and in the absence of any general scheme of civil resistance, a Parliamentary Party within the Congress is a necessary part of any programme which may be followed by the Congress". Why should the Government object to that?

Then, Sir, they go on to discuss the All-India Village Industries Association, and with characteristic, if I may say so respectfully, want of taste, show their capacity to attribute motives, "although Mahatma Gandhi himself has stated that this is non-political, and the fact that the initiation of the movement synchronises with his resignation from the Congress bodies is regarded in certain quarters as a *bona fide* campaign of economic reconstruction, this view, overlooks certain important facts". I object strongly to this. Mahatma Gandhi is the soul of truth. He who knows him knows it, but yet the Government of India with great prejudice against that man simply say: "We cannot take his statements at their face value". Sir, I say it is wrong, it is unjust and unfair to a man of the position and the record of Mahatma Gandhi. Then they refer to the attitude of the associations which, though non-political and

non-Congress, may help the Congress. They regret that they were not able to proceed against the All-India Spinners' Association, and they therefore say, that this body, the Village Industries Association, should be watched very carefully. They say:

"Such being the main features of the Congress, it is clear that Mr. Gandhi has once again shown himself to be a very astute political leader, his mental and physical vigour is reported to be unabated and the session has resulted in yet another personal triumph for he has succeeded in keeping the divergent elements, if not in one organisation, at least under one leadership, his own."

The Honourable Sir Henry Craik: Is that not true?

Mr. S. Satyamurti: It is true, but why should the Government mourn it? If you can follow one leadership, whether Europeans or Indians, if all of you join together and vote together and work together, why should we not obey one leader?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member address the Chair please?

The Honourable Sir Henry Craik: Don't you— (To Mr. Satyamurti).

Mr. S. Satyamurti: What is wrong in that?

The Honourable Sir Henry Craik: Nothing is wrong. The point is that the circular is perfectly correct, and you admit it is correct.

Mr. S. Satyamurti: Is it not only correct, but it is true. (Cheers from the Congress Party Benches.) Then they say:

"Though not taking a direct part in the parliamentary work, he will continue to give his advice to the Parliamentary Board and to the Congress bodies which will devote special attention to this political work."

All this precedes their great achievement in the central paragraph of this circular:

"But if as surmised, the intention underlying these schemes is political, then this new move, though ostensibly aimed at what may be called broadly rural reconstruction, is possibly a very astute and subtle attempt to pave the way for a further civil disobedience campaign on a much larger scale than before and supported to a greater extent by the rural population. It has, therefore, most dangerous potentialities; for if these surmises are correct, Mr. Gandhi contemplates a three-fold attack in future. Congress members of the legislature will do all they can to hamper 'repressive' action by Government; (*yes a thousand times yes*); the village organisations will be available for an intensive civil disobedience campaign, and the Socialist left-wing, which is gradually moving into closer touch with the communists will be allies of Congress in this campaign."

Why should we not? If we stand together, we will only be irritating the Government. This Government keep their army, navy and air forces to fight us, keep their communal policy to divide us and give titles and honours to tempt us, and we in the Congress are anxious to see to it that they do not repress the natural political activities of this country, and that we carry on our village work so that our villagers may look to the lead of the Congress in the peaceful fight for Swaraj. And, as for the Socialists, Mahatma Gandhi has made it perfectly clear that the Congress does not

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and cannot accept the extreme socialist programme. Then, I come, as my time is nearing its end, to the operative part of the resolution to which I referred in my remarks this morning. The Government say:

"The Government of India have no reason to believe that Local Governments or their officers will turn a blind eye to any such infringements of the law of the land or will refrain from instituting prosecutions or taking preventive action in all appropriate cases. If such action is necessary the Government of India will accord their full support."

It is unnecessary prompting. Their actions with regard to Khan Abdul Ghaffar Khan, with regard to Dr. Satyapal, with regard to the Bose brothers, amply demonstrate that the Local Governments have not changed their hearts. The repressive policy is on. Finally, they say:

"It appears to the Government of India to be desirable to amplify these orders and that the principle underlying them should be followed in other matters. District officers and other officers of Government should not refuse to see organisers of the Village Industries' Association should they apply for interviews; but they should not agree to the loan of Government buildings nor should they direct or permit their subordinate staff, to assist in any way."

To me, it is the gravamen of the charge. I put it to the Government that it will be impossible to carry on any work in this country if we on this side judge the Government not by what they do or what they say, but what we think are their motives and they ought not to judge our actions or our speeches by what we do or what we say, but not by what they think are our motives. The whole circular is an insidious attempt to poison the minds of Government officials against the new association by a series of assumptions which are either untrue or misleading or exaggerated. Mahatma Gandhi does not speak the truth when he says he has gone out of politics, out of the Congress, and out of the civil disobedience. And, therefore, the village organisations should be suppressed, and the Government ask the district officials not to co-operate with these people! If, after this, we say, all this talk about co-operation, about reconciliation, about peace and good-will is more tall talk and is intended to deceive and not to convince, are we wrong? We hear a great deal about safeguards in the joint Parliamentary Committee Report and we are told by Governors and others that all these safeguards mean nothing, and that they mean the utmost good-will towards this country. Mahatma Gandhi says: "I go out of the Congress, out of politics. I will take no part except in constructive and useful work, to get a few more pies to the hungry millions of villagers in this country". And the Government come along and say: "No, you shall not be assisted in doing all that". I, therefore, believe that the sense of this House will be unanimous in saying that this action of the Government ought to be condemned. It comes to this. If the Congress says that 2 and 2 is four, the Government officer shall not say that 2 and 2 is four, but it is either 3 or 3. (Laughter.) I think it is very wrong, and if this Government mean that they want the co-operation of the people, they want the co-operation of the Congress, they ought to show some more imagination, some more sympathy, some more statesmanship. I do not know who the scribe of this circular is. I cannot congratulate him even on its good English; it is badly drafted.

The Honourable Sir Henry Craik: What? Badly drafted?

Mr. S. Satyamurti: Yes, badly drafted, it is not even good English, much less does it contain good sense, and it betrays an amount of suspicion and distrust which is unworthy of any decent or dignified Government. It seems to me that the Government of India must take courage in both hands and say: "We are here by the force of our arms and will remain here until you can drive us out". I can understand that, but I object to this hypocritical way of saying in one breath, we want your co-operation, and in another breath, rejecting our co-operation, and when Mahatma Gandhi says: "I will go and do this constructive work", attributing motives to him, attributing motives to the Congress and saying: "We cannot co-operate with these people". That is why I venture to hope that all Honourable Members of this House, who are free to vote according to their conscience, will vote for this adjournment, and censure the Government at the very beginning of this Assembly. We are here to work in the Assembly to the best of our ability and we appeal to our colleagues here, on whatever Benches they may sit, not to turn down our offer of co-operation but to co-operate with us in fighting this Government when they make the scandalous mistake which they have made in this ill-fated circular. Sir, I move that the House do now adjourn. (Applause.)

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Motion moved:

"That the House do now adjourn."

The Honourable Sir Henry Craik: Sir, I might have taken the attitude on this motion that it discussed a document which was published in the Press owing to some illicit practice, a document that was either stolen or sold or anyhow obtained in some illicit way, and I might have taken the attitude which was taken by my predecessor in 1929 in similar circumstances, that I refuse on principle to make any statement about a document thus illicitly obtained. I did not take that line as I was anxious not to give the appearance of seeking to avoid a debate on this subject and because there is nothing in this circular, which was confidential but which has now come to see the light,—nothing in this circular of which we in the Government of India are ashamed or which we intend or propose to withdraw.

An Honourable Member: Are they so shameless?

The Honourable Sir Henry Craik: Not, admittedly, this circular has been either stolen or sold by somebody into whose possession it has come. By whom that was done, I am not aware. I am making inquiries into that and I can only say this, that so far as I have obtained information the leakage did not occur in Delhi. If I can lay my hand on the person guilty, such retribution as the law allows will be taken in full.

An Honourable Member: On a point of order. How is all this relevant to this motion—the point as to how it leaked out.

The Honourable Sir Henry Craik: The circular communicates the confidential and tentative views of the Government of India to the Local Governments. It was not, as I say, intended for the public eye. In fact, it reads, as one newspaper I saw described it, as if the Government

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was talking in private to itself. Nevertheless it was specifically stated that the views and the inferences stated in this circular were tentative and to some extent speculative, but I do not admit for one moment that these views on the material that was then available were wrong in any material respect. Indeed the Honourable the Mover has just made admissions which amount to saying that the circular was on every statement of fact absolutely correct.

Mr. S. Satyamurti: On a point of personal explanation. I said with regard to one statement as regards Mahatma Gandhi's absolute leadership it was not only correct but true. I do not admit and I did not admit that every statement is correct.

The Honourable Sir Henry Craik: I have chapter and verse here as regards every statement of fact.

Mr. S. Satyamurti: That is a different matter.

The Honourable Sir Henry Craik: The material is all here. If I had the time I would have dealt with all of it. The gravamen of the charge brought against us, I understand, is that we are not justified in treating with suspicion or distrust this particular new feature of the Congress organisation, namely, the All-India Village Industries Association. That, I understand, we are to take at its face value as a purely non-political and economic move. That, I understand, is the Honourable the Mover's position.

Mr. S. Satyamurti: Yes.

The Honourable Sir Henry Craik: Now we know where we are. I should like to say that our conclusions as stated tentatively in this circular were founded not only on the reports of persons who were present in Bombay at the Congress session, but and also to an even greater extent on the contemporary comments in various sections of the Press. Now, let me read the Honourable the Mover one comment, taken from a paper dated the 10th November. It is the *Indian Mirror* which represents the orthodox Sanatanist Hindus. (Laughter.) Honourable Members may laugh, but I will quote from their own papers presently. This paper says:

"When once his (Gandhiji's) power over the villages is well established, his fiat will have only to go forth to find ready obedience. Armed with this new power, Gandhiji can re-enter the field of politics, where he has miserably failed in the past, and begin the fight afresh. He can threaten the Sanatanists into giving up their principles. He can force the capitalists and landlords to come to terms with him and surrender to the Congress. He can do much more so long as the villagers are at his back."

That is a paper which I admit is not generally friendly to the Congress but it is a paper that represents many millions of orthodox Hindus. (Laughter.) Now, let me take a paper that is friendly to the Congress. Let me read what the Special Correspondent of the *Tribune*, the *Leader*

and the *Bombay Chronicle* wrote at the time the Congress session was being held:

"If I were asked to say what is the real interpretation of Gandhiji's new move, I would unhesitatingly say, after what I have seen and heard in Bombay, Gandhiji has planned a new offensive, whereby he wants to close in from all sides and leave no scope for escape for the Government in any future non-violent struggle he may initiate. Mahatmaji wants the Assembly to be run by Congressmen. He wants the economic fight to be waged by himself from outside the Congress. But there is no doubt that the Congress is to be broadened with a view to undertake another plan for making the authorities yield to pressure."

That was written by the Special Correspondent of a paper that has always supported the Congress. Identical articles appeared in the *Leader* and the *Bombay Chronicle*.

An Honourable Member: Does that also represent millions?

The Honourable Sir Henry Craik: I have quoted these articles to show what the Press thought of this move at the time—two important sections of it. As regards the concluding paragraphs of the circular, I would only say this. The paragraphs to which the Honourable the Mover has particularly referred deal with the attitude to be taken by the district officers towards the new association. The directions described therein were contemplated but were not actually final orders. As a matter of fact they have not been issued pending the consideration of the replies we have received from Local Governments. The question of the attitude the district officers are to adopt towards the association is still a matter for consideration. The association is not actually, I understand, yet in practical working order and we must naturally wait on developments.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): If the directions contained in that circular were not to be given effect to by the district officers, what was the object of the circular?

The Honourable Sir Henry Craik: The object is to consult Local Governments, to ask them if they accept our summing up of the situation as correct and also if they thought that the orders which we contemplated would be suitable in the circumstances. The replies of the Local Governments are now under consideration. I hope I have made that clear to my Honourable friend.

Mr. M. A. Jinnah: I am much obliged.

The Honourable Sir Henry Craik: So much for the comments in the Press at the time. I should like now to turn to later developments and to statements made by Congress leaders themselves within the last few weeks regarding the particular point under discussion, namely, whether this is a non-political and purely economic move. As regards that, I have here a copy of an article that was published in the *Tribune* of the 15th of this month, just 8 days ago.

Mr. S. Satyamurti: On a point of order. How is that statement, long after the date of the circular, relevant to explain the scope and the effect of the statements in the circular?

The Honourable Sir Henry Craik: I will explain that. If the Honourable Member will wait, he will see the relevancy of this. This is an article written by Sardar Sardul Singh Cavasheer, who, I understand, is a member of the All-India Congress Working Committee. That article takes the line that Government is entirely right or mainly right in its summing up of the Village Industries Association. Let the Honourable Member hear what his political colleague had to say. The article was written in reply to an article by a certain Professor Brij Narayan—I do not quite know who he is but I believe he lives in Lahore. I have not seen his article, but it appears it was an article attacking Mr. Gandhi's new organization as politically a quite valueless organization. Sardar Sardul Singh wrote this article in reply to Professor Brij Narayan and he quoted a statement made by Sardar Patel to an audience at Ahmedabad. This is what Sardar Patel said:

"We have not given up the fight for freedom; we have merely changed the mode of the fight. It is no use now going to jail or conducting a no-tax campaign. We have to fight against our own weakness without coming in conflict with the Government so that we may acquire the strength for the fight when it is resumed. True socialism lies in the development of village industries."

Then the comment of Sardar Sardul Singh was this:

"The political importance of the new programme"

—that is, the Village Industries Association—

"may be little in the eyes of the Professor".

—that is, Professor Brij Narayan—the critic whom he was replying to,—

"but, as the above quotation shows, the Congressmen know what it would lead to and not only the Congressmen, the Government also know something about it,"

and then he goes on to refer to this circular and quotes what is supposed to be in this circular:

"If, after all this, the Professor (*that is, Professor Brij Narayan*) believes that the new programme has no political value, he is welcome to believe so, but those who have been in the fight for the last fifteen years and who have actual experience how the country's battle is fought would certainly refuse to follow the Professor in his prognostications."

In other words, the whole purport of Sardar Sardul Singh's article is that Government is right in its estimate of what the Village Industries Association amounts to, and that Professor Brij Narayan was wrong (Hear, hear)—and that, mark you, was from a member, a very important member, of the All-India Congress Working Committee.

I have got something even more strongly corroborative of our view. It is a long quotation, but I hope the House will bear with me as it really is extremely pertinent to the matter under discussion. Again I quote from the *Tribune*, this time of the 15th of January, a report of a statement made by Mr. Acharya Kripalani, the General Secretary of the Congress, at Patna. That, I take it, can be described as something straight from the horse's mouth; he is the General Secretary of the whole Congress. This is a Press statement issued by him launching a vigorous attack on the Congress Socialists because they had bitterly criticized this Village Industries Association. He says:

"Gandhiji and his associates do not shy at the revolution. They only do not know the scheduled time of its arrival, as some of the Socialist friends seem to know. Therefore they in their own humble way try to do the duty at hand, in the belief

that if and when the revolution comes, they may not be found wanting. They also feel that in India the revolution must come from the village. They know that the best way of approach to the villager is to help him to help himself in his daily task and to try to serve him. Let the Socialist be not unjust to the admittedly tiny efforts of the Village Industries Association. He may take it from me"—

—that is, from the General Secretary of the whole Congress—

"that even when these pioneer efforts fail or come to be scrapped in favour of larger and more ambitious schemes, the share of these seemingly ridiculous things in bringing the revolution nearer would not be negligible. Let him know that history will accord a place of honour to the efforts of Gandhiji and his gang in the resuscitation of the nation's life. Let him also know that in the hour of trial Gandhiji's crew would not be found in the rear."

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I should like to draw the Honourable Member's attention to the fact that his time is almost up.

The Honourable Sir Henry Craik: I shall take only two minutes, Sir. I am sorry I had to waste so much of my time over quotations, but I do think the House will agree that these quotations are pertinent quotations: and in the face of them, it is idle to assert that we are wrong in pointing out to Local Governments the possibly dangerous potentialities of this organization. I would only say this that if future developments prove that we are wrong—and there is nothing in this circular that is dogmatic or positive; as I said, the whole thing is stated in language of great moderation and restraint as tentative and largely speculative conclusions—if time shows that we are wrong, that we have misjudged this organization, that it is a purely economic scheme intended for the welfare of the villager, then you may be certain that we shall welcome co-operation (Hear, hear), but, remember, we are dealing with a party, a political organization that has never dissociated itself from or abandoned civil disobedience as a political weapon. It has suspended it only for a time—and I have quoted today utterance after utterance of its own leaders showing that its intention is to resume the struggle, to renew the fight and to force the Government to its knees by bringing about a revolution in the villages. Can you be surprised, in those circumstances, if we have pointed out to our officers and agents all over the country the necessity for watching this movement carefully and estimating what it really means? Can you be surprised if we called their attention to its possible dangers? (Loud and Prolonged Cheers.)

Mr. A. K. Fuzlul Huq (Bakargunj *cum* Faridpur: Muhammadan Rural): Sir, it would have been in the fitness of things if the day which witnessed the opening ceremony of the first Session of this Assembly could have been allowed to pass off without this trial of strength between the Bureaucracy and the Opposition. This, however, was not to be; and having listened to the Honourable the Home Member in reply to the speech of the Mover of this motion, I have no hesitation in saying that in this case the fault lies entirely with the officials. (Loud Opposition Cheers.) Sir, the Honourable Member has made a somewhat long speech, in the course of which he has tried to explain to this House that the circular is not only innocuous but that it offers the hand of co-operation to the Congress, provided the Congress really means to work for the benefit of the people of India. Sir, the point is not whether the circular is well meant or innocent, or otherwise, but the point is whether

[Mr. A. K. Fuzlul Huq.]

the days of government by circulars, secret or open, should be allowed to continue. Officials have got very short memories and I am surprised that even at the present moment the officials seem to have forgotten that iniquitous methods of administration as reflected by the issue of circulars, secret or otherwise, have always led to the most disastrous consequences. However much the officials may affect to ignore the unmistakable forces which are slowly but surely moulding the nationhood of India, they have got to remember that India has passed that stage when it could tolerate methods of administration which are utterly unsuited to civilized canons of government in any part of the globe. Sir, I do not know what kind of students the members of the Bureaucracy were at school or college or even in the University (*A Voice*: "Very brilliant."), but when they come out to India I find that they are very bad students in assimilating the lessons of experience. Perhaps the fact that they are allowed to go on unhampered, in the course which they take, tends to lessen their powers of perception.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order: I must draw the Honourable Member's attention to the fact that there is a large list of speakers, and I would, therefore, ask him very kindly to stick to the point at issue and not to introduce irrelevant matters.

Mr. A. K. Fuzlul Huq: What I was just going to submit to this House is the obstinacy with which particular methods of administration are being pursued by officials and I submit respectfully for your consideration that I am quite in order in referring to that in the course of my speech. Sir, there is an Oriental proverb—I am told it is Chinese in origin—which says that the exercise of arbitrary and autocratic methods of administration sometimes tends to make people somewhat mule-headed. I am only asking the officials in India, however much they may seem to belittle the activities of the Congress, that there can be no doubt that the Congress has got a very strong hold on the affections of the people. ("Hear, hear" from the Congress Party Benches.) It is no use ignoring the Congress, however much you may differ from it and the point that we seek to bring out at the present moment is that if you are well meant in your efforts to co-operate with the Congress or any other organisation in benefiting the people of this country, circulars should be open, fair and straight and not conveyed confidentially for the guidance of a select coterie of officials. If it is good, it is good for all and it can bear the light of the day. If it is bad, and has got to be conveyed by circuitous and crooked methods, then it must not be allowed to go out at all. Sir, having taken everything into consideration, I feel disposed to give my whole-hearted support to the motion for the adjournment of the House.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, as an economist, I am greatly disappointed to find that the Government has taken up an attitude of suspicion, distrust and hostility towards the All-India Village Industries Association. India is a country mostly of villages and the welfare of the country depends on the welfare of the villages. It is, therefore, the duty of the Government as well as of the

representatives of the people to look to the economic welfare of the villages. Unfortunately, the Government has so far done nothing to improve the condition of the villages; and now that the people—and the Congress representing a very large section of the people—have come forward to take steps to revive the dying industries and to establish new industries, the Government ought not to take up an attitude of hostility towards the programme. It is not in the fitness of things that the Government should hamper the work of the Village Industries Association. I say the Government has been very ill-advised in taking up such an attitude. Let us hope and trust that better counsels will prevail with the Government. In the meantime, I feel it my duty to appeal to the elected Members of this House to condemn the present attitude of the Government.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I was hoping for a fairer appreciation of Government's share in economic activity from the learned professor who has just resumed his seat. When the discussion started, it looked as if my Honourable friends opposite and those who agree with them would concentrate argument upon the assumed distrust of Government of what the Congress is attempting to do and what Mr. Gandhi intends to do in order to revive the village industry. It appears, however, that that by itself is not going to be the field of discussion or debate, but that it is going to be contended that, inasmuch as Government have a completely blank record in the economic field or in what is comprehensively described as rural reconstruction, therefore it is hardly proper for Government to say anything at all in regard to this campaign of economic or rural reconstruction. I think that in fairness to Government one might be given a few minutes—one cannot really in the 15 minutes or so review the history of Government's rural policy since the Government of India passed to the Crown—one might be given a few minutes to state briefly what Government actually has done for the villagers and for villages. It is suggested that Government have done nothing. Why is it suggested that Government have done nothing?

An Honourable Member: Government have imposed additional taxes all right.

Mr. G. S. Bajpai: My Honourable friend who is also an economist will appreciate the fact that there is no Government in the world which can carry on any programme of reconstruction without taxation because, after all, the resources of Government come from the pockets of the tax-payer. Sir, it would be best, and I think conducive to the smoothness as also the success of the debate, if we were to reserve interruptions for occasions when longer time is allotted to speakers and when one is given an opportunity of fully saying one's say.

I will now turn and explain as succinctly as I can what Government have done in the field of rural reconstruction. Let us take first village industries which occupy a very prominent place in the programme of the Congress. I shall not take my retrospect back further than 1916 and 1919 when the Industrial Commission reported. The Industrial Commission paid special attention to the provincial machinery required for the needs of village industries. As a result of the recommendations made by that Commission, we have in seven out of the ten major provinces, and that includes now the North-West Frontier Province, central institutes where artisans are trained in their handicrafts and, what is even more important

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instructors are trained in order to accompany peripatetic parties which demonstrate improved processes and popularise improved machinery. I refer, Sir, in particular to the work which has been done in regard to the handloom weaving industry, an industry which, I understand, is very near to the heart of Mr. Gandhi about whom my Honourable friend opposite has spoken so feelingly. Now, Sir, let us take another aspect of cottage industries, that is, the improvement of designs and marketing. Institutes have been brought into existence in the major provinces, particularly in Bihar and Orissa, in Burma and elsewhere, which pay special attention to the improvement of designs. There is also now a movement on foot, which has been in existence for some time, to bring into existence depots which have the object of helping the producer of handloom work to get a better price for his commodities than he would get otherwise.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Are all these descriptions in order on this motion?

Mr. G. S. Bajpai: I am very glad, Sir, that you hold that after the very definite charge made by the learned Professor from Calcutta, what I am saying in regard to economic work of Government is in order.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): You are quite in order.

Mr. G. S. Bajpai: I shall now pass on from village industries to agriculture. We are told over and over again and quite rightly that of the population of this country, roughly 80 per cent. is dependent either directly or indirectly upon agriculture and that Government must do a great deal for agriculture. I submit that consistently with their resources the Government have done as much as they could for agriculture. (*An Honourable Member*: "Question".) I again repeat what I said a little while ago that if interruptions are meant to subtract from one's small allotment of time, it really is impossible to do justice to any subject.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I must call the attention of the House to the fact that the Honourable Members have a limited time at their disposal and they should not be interrupted unnecessarily.

Mr. G. S. Bajpai: I was on the point of stating briefly what Government has done in regard to agriculture. It might interest the House to know that actually the Central Government and the Provincial Governments taken together are spending something like two crores of rupees every year, partly on agricultural research and partly on such matters as demonstration.

An Honourable Member: Question.

Mr. G. S. Bajpai: I do not know how my Honourable friend is questioning facts which I can demonstrate whenever he has a moment to spare to look at blue-books. Two crores represent the expenditure incurred upon demonstrations and upon research. Take another aspect

of agriculture, the most important of all, irrigation. What is the position there? In the course of the last 12 years, there has been an increase in the canal irrigated area in this country of 20 million acres which taking also into account the 20 million in existence before represents 40 million acres of land protected hereafter for all time from the ravages of famine and the caprice of the monsoon. Those 40 million acres represents twice the area under irrigation in the United States, not only a country infinitely more prosperous than this but also agriculturally almost as important. Let us look at what Government is doing in the matter of distribution of seeds. The position as regards that today is that 15 million acres of land in this country are under better varieties of wheat, cotton and sugarcane. That, Sir, is all I can say at this stage about agriculture. Let us pass on to education.

Mr. S. Satyamurti: On a point of order, Sir. Education is not yet a village industry.

Mr. G. S. Bajpai: I am surprised that my Honourable friend should fight shy of the word education.

Mr. S. Satyamurti: What is the occasion for discussing education now?

Mr. G. S. Bajpai: I was about to mention that my Honourable friend himself was a very distinguished member of a Conference which met in Delhi last year and recommended a re-orientation of our educational policy, primarily to afford more scope for vocational education in rural areas. The villager is the solicitude of Honourable Members opposite and inasmuch as education is at the root of any rural reconstruction that is vital, I should have thought that my Honourable friend would not take any objection.

Mr. S. Satyamurti: Then give us birth control.

Mr. G. S. Bajpai: I hope my Honourable friend's Malthusian activities will not be confined to the precincts of this House, but that he will also preach this doctrine on the palm beach in Madras.

Mr. S. Satyamurti: There is no palm beach in Madras.

Mr. G. S. Bajpai: I was saying, Sir, that schemes of rural reconstruction in relation to education are now receiving attention from Local Governments. As a result of their activities in this field of primary education there has been an increase of three million pupils. Experience shows that there is a great deal of wastage and in order to remedy that wastage, you have to concentrate upon vernacular middle schools which have been such a success in the Punjab, Bombay and elsewhere. Is it, Sir, nothing that three Local Governments are paying attention to this? Is it nothing that the Government of India should be contemplating not in the very distant but in the very near future the creation of a machinery which would give a greater stimulus to the movement of educational reconstruction and educational reform.

Take public health. I have no doubt that my Honourable friend, Mr. Satyamurti, will say that we should scrap the Public Health Department of the Government of India, because obviously they will have the same effect as birth control of which he seems to be so much in favour.

Mr. S. Satyamurti: No, I am not in favour of birth control.

Mr. G. S. Bajpai: I am sorry that my Honourable friend.....

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): Is the Honourable Member entitled to enter into all these matters on a question like the one contained in the motion before the House?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order.

Mr. G. S. Bajpai: My Honourable friend has forgotten the striking feature of an increase of 33 millions in the population of this country. I think it does not need any strong effort of the imagination to lead one to the conclusion that this increase is to a very large extent the result of the effective action which the Public Health Departments of the various Governments are taking. I can mention other instances. Take for example, pilgrimages. At one time they used to be attended by very very dreadful outbreaks of epidemics. These epidemics were not limited to the centres of pilgrimage but they also followed in the trail of the devout to their places of abode. All this has been eliminated because of the success of the Public Health Department. This ultimately helps the villagers. It is possible for me to go on like this if you would give me time (*An Honourable Member:* "And talk it out".) But all these are relevant matters. There is no foundation for the suggestion that Government have been absolutely idle in regard to rural reconstruction. Now, Sir, I have covered a few subjects, but they by no means exhaust all what the Local Governments have done or are doing. Take the question of rural credit about which people are so much exercised. I have no doubt the socialist wing of the Congress particularly are exercised about it. What is happening there? The provinces of the Punjab, the Central Provinces and the United Provinces have undertaken far-reaching legislation on that subject. Is it suggested that that betrays a record either of indifference or of ephemeral activity of recent origin? I submit not. I see that I have only two or three minutes left and therefore it is not possible for me to say as much as I should have liked to say in regard to what the Governments, both at the centre and in the provinces, have done for rural reconstruction work. At any rate, what I have said should satisfy the House that the charge of the learned Professor from Calcutta is unmerited. It should also show the House that Government, so long as efforts at co-operation in the task of rural reconstruction are genuine, and not mixed with any political tinge, are only too ready and too willing to welcome that co-operation. What my Honourable friends opposite have to make up their minds about is that there shall be no blend of a little bit of rural economic reconstruction with a large pail of political propaganda.

Mr. S. Satyamurti: Why not?

Mr. G. S. Bajpai: Because I am not aware that even in Soviet Russia one has gone and mixed up politics and economic reconstruction.

Mr. S. Satyamurti: Of course.

Mr. G. S. Bajpai: It seems to me that if my Honourable friends are really not interested in economic propaganda but are really aiming at political propaganda, then there is no justification, I submit, for a vote of censure at all.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): That is not a Congress organisation.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order.

Prof. N. G. Ranga: I was submitting it for his information.

Mr. G. S. Bajpai: My Honourable friends cannot have it both ways. They cannot say that Government stand condemned because they say their officers cannot help a movement which is primarily designed for economic objects and yet in the course of the discussion proceed to say, "Really economic objects are purely secondary and what we are after is a political revival of the country which, when the hour strikes, will be fully made use of by the Congress party for political purposes and not for an economic revival". Let me put it in a sentence. If economic reconstruction is what they are after, let them sit and consider what we have done, come frankly to Government and say, "We are here to co-operate with you in this programme". On the other hand, if this is merely a facade and a pretext and what they are really after is political propaganda, in that case they have no business to mix up the two. And I would further submit that there is no justification for censuring Government for telling their officers what is the plain and the real truth.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I listened to the speech of the Honourable the Home Member with undivided attention. This is the first meeting of the House and I was naturally anxious to understand the Government position and I am even now equally anxious to deal with it in a dispassionate manner. I wanted to see on what the Honourable the Home Member had exactly based his circular. I find that he had nothing more or better to rely upon than a few newspaper extracts distorted and disjointed.

The Honourable Sir Henry Craik: I cannot accept the word "distorted", I distorted nothing: I read the exact words that appeared in the documents from which I was reading. The Honourable Member has no right to accuse me of distortion.

Pandit Govind Ballabh Pant: The Honourable Member cited extracts from the papers without giving us the whole text thereof. If you read the entire article it leads to an inference dissimilar from the impression that the portion read out leaves in your mind.

The Honourable Sir Henry Craik: Sir, on a point of order, I suggest that the Honourable Member should be made to withdraw the word "distortion". I object very strongly to being accused of distortion.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Did the Honourable Member by using the word "distorted" mean intentional distortion by the Honourable the Home Member? If he did he must withdraw it.

Pandit Govind Ballabh Pant: I did not say it was intentional. I said "distorted" and nothing more.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member must realise that the word "distortion" can be interpreted to mean what is not true indeed, in most instances it implies an untruth.

Pandit Govind Ballabh Pant: I submit, Sir, that the articles have not been read in full. Certain extracts only have been cited.

The Honourable Sir Henry Craik: I am willing to lay them on the table.

Pandit Govind Ballabh Pant: They may be laid on the table but my submission is that the impression which the extracts that have been read out give is not borne out when the whole of the article is read. I have read some of those articles and I formed an entirely different impression from the inference that one would draw from the short quotations that have been given. I may make it clear that I had no intention to indicate that the Honourable Member intentionally wanted to give us a deliberately wrong impression. But the fact remains that the impression that he has given is perverted. (Laughter.)

The Honourable Sir Henry Craik: On a point of order, the Honourable Member accused me of distorting and he has withdrawn that. I submit that he is out of order in saying that I perverted the article. I read the exact words and I did not give the House any impression or intend to give any impression contrary to that which is borne by the whole of the articles which I read.

Pandit Govind Ballabh Pant: As I proceed I think I will be able to make the position clearer. But the thing that struck me particularly was the great regard which the Government of India have displayed for the Indian Press. I would like to know when this process of conversion started and when exactly they began to follow the lead and to draw their inspiration from the Press and specially from the Indian branch of it. I congratulate them on this dawn of good sense. I wonder, however, whether it is only a passing phase or whether it betokens their submission to the world forces and to the force of public opinion in this country. I hope the Home Department will now withdraw the restrictions on the Indian Press, and repeal or radically alter the press law in this country. If it results in that consummation, the Village Industries Association will have reason to congratulate itself on this unexpected achievement and it will be found willing to congratulate Government on this dawn of wisdom in spite of their manifest anxiety to non-co-operate with it. But there is another point which struck me. The Honourable the Home Member referred to many stray things from the Press but he took pretty good care not to refer to what was the most important part of what has appeared in the Press so far. What has Mahatma Gandhi himself said and what do the rules of the organisation say?

The Honourable Sir Henry Craik: I had not the time to mention all that.

Pandit Govind Ballabh Pant: Then I will supplement the Honourable Member's remarks and this time may be added to the time taken by the Honourable Member. Sir, the Honourable Member did not tell us that Mahatma Gandhi himself had said soon after the issue of this circular that if the Government co-operated with him in this matter he would work miracles in the villages. What attitude of mind does that indicate? What after all is politics and what is economics? What does the Honourable the Home Member mean or Mr. Bajpai—a loyal Indian comrade of his in the Indian Civil Service—perfectly loyal to the Indian Civil Service which is as faithfully Indian as it is a service? He gave us a catalogue of the wonderful achievements of the Government in this country. Only I did not know what he meant by the government—whether he meant the pre-mutiny government of the East India Company, or whether he meant the government of the pre-Minto-Morley days or whether he meant the government as it has been under the Montford régime since 1920. I will ask Mr. Bajpai to begin with the list of achievements of the East India Company in this respect. I would ask Mr. Bajpai to give us a connected and complete narrative of all that the Government in this country have done or undone in the matter of cottage industries in the villages. Does he remember that thumbs were cut off, bodies were maimed and inhuman atrocities were committed? He knows all that. I do not want to refer to that tragic history today. Now, as to the difference between politics and economics, the world today does not recognise any difference between politics and economics: And what after all is politics?.....

Mr. G. S. Bajpai: On a point of order, Sir. I must say that the rather gruesome statement my Honourable friend made is entirely unjustified and incorrect.....

An Honourable Member: What is the point of order?

Mr. G. S. Bajpai: The statement as regards the cutting off of hands as a measure of encouragement to non-Indian industry—I know that that statement has been made.....

Mr. S. Satyamurti: On a point of order, Sir.....

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Two points of order cannot be simultaneously raised. The chair is already considering a point of order and no further point can be raised till the Chair decides on the first.....

Mr. G. S. Bajpai: I was just going to say that I was not unfamiliar with that statement.....

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order: I am afraid the Honourable Member is out of order: he is not raising a point of order.

Pandit Govind Ballabh Pant: Now, Sir, what is the distinction between politics and economics? I do not know: I do not quite understand. Is the earthquake work in Bihar an economic, a humanitarian or a political net-work for entangling people and entrapping them inside the Congress fold so that the Congress may have power in the land? If the service of the people by itself is considered an offence because it would tend to

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strengthen the position of Congressmen in this country, then pray, who is actually biassed and actuated by political motives? Is it we who want to serve the people, or is it they who want to stand in the way of service lest that growing influence should some day culminate in the extinction of the existing vicious system of Government in this country? It is just there that the rub comes in. It is but one more instance of the political obsession of this Government which has been responsible for many a disaster in this country, and it is this aspect to which I particularly beg to invite the attention of Honourable Members of this House.

There is another issue involved and it is again a vital issue. We have been told and told repeatedly that the services should be independent, that the executive should adopt always a detached attitude, that they may have political masters from among the Congressmen some time—I have several friends in the services and my relations with them have been cordial—they have always said that they would not mind if they had to serve under Congressmen. Now, I ask, is it in any way a salutary, a sound and a wholesome principle that the permanent executive of this country should be asked to take sides with the bureaucracy as against the representatives of the people who may themselves form the Government tomorrow? What is the official defence of so many preposterous provisions in the Joint Parliamentary Select Committee's report? Have they not said again and again that many safeguards have had to be devised so that the services might not be subjected to political influences, so that they may be able to adopt a detached and independent attitude towards public questions? Have we not been told again and again that Indians do not know the distinction between political things and service of the masses? I, therefore, want to put the question again to the Benches opposite, do they stand for the service of the people or are they as heretofore to continue to perpetuate foreign domination and exploitation of this country so much so that every course of service prescribed by public men in this country, howsoever wholesome and promising it be, should be opposed, and they should fight shy of it and they should obstruct its progress because it is likely to result in strengthening the position of those who will perform such service? In fact, as the old story goes, the bureaucracy want to confine their attention to the grooming of the horse and themselves eat up the fodder. We on our part want to provide the horse with fodder and to put an end to this vain grooming, but they will not let us have that opportunity. I ask them to consider the position and to see whether the attitude they have adopted can even be regarded as decent.

Then, there is another very serious objection to the circular which has been issued. Village industries form part of Industry, and Industry is a transferred subject under the Montford Scheme according to the Government of India Act as it is today. Have not the Government acted against the spirit of the Government of India Act in interfering with the discretion of the Ministers in issuing instructions to them not to co-operate and join hands with the Congress party in the matter of village reorganisation? If so, then let us beware of the J. P. C. constitution and the safeguards: let us clearly understand what they aim at and let us not forget that a foreign Government is always actuated only by one dominant motive and that motive is the perpetuation of foreign rule; may I ask

he two eminent Indians sitting on the first front bench as to what they think of this attitude of hostility towards the organisation which is to concentrate on working for the improvement of the lot of those who, according to everybody who has ever had anything to do with this country, are today submerged in inconceivably colossal poverty. Is there really any occasion for political rivalry where the lot of the skeleton in the villages is concerned? I will read out only two sentences—perhaps my time may be up—

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): It is very nearly up.

Pandit Govind Ballabh Pant: One defines the object of the Village Industries Association:

"The object of the Association shall be the village reorganisation and reconstruction including the revival encouragement and improvement of village industries and the moral and physical advancement of the villager of India."

I ask the Honourable the Home Member if he in any way disagrees with this object

The Honourable Sir Henry Craik: Not in the least.

Pandit Govind Ballabh Pant: Very well then. I will give him another relevant extract from the printed note I have in my hand and ask him if he has anything to add or supplement or substract or modify in this pledge which runs thus:

The following is the pledge for the members of the Industries Association:

"Having read the constitution and rules of the All-India Village Industries Association, I offer to be a member thereof and I hereby promise to devote the best part of my energy and talents to the furtherance of this object which is the all round welfare of the villages of India. So long as I remain as a member of the Association I shall not take part in any campaign of civil disobedience; in the discharge of my duties I shall seek the assistance and co-operation of all those who may be willing to give them irrespective of differences in politics. To the best of my ability I shall strive to live up to the ideals of the association and prefer the use of village manufactures to any other. In the prosecution of my obligations to the villagers, I shall recognise no distinction between man and man."

What does the Honourable the Home Member or any of the other Honourable Members sitting on the opposite Benches object to?

The Honourable Sir Henry Craik: Highly commendable sentiments.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): What date is that?

Pandit Govind Ballabh Pant: I could not give you the exact date, but as soon as the Village Industries Association was formed

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): When was that?

Pandit Govind Ballabh Pant: I think it was after the Congress session in Bombay. Now, Sir, he admits he does not object to these matters which are obviously the fundamental and determining factors. I find the key to the Government's attitude in two black words in that circular, and that is where Mahatma Gandhi is described as an astute

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politician. Astute, Sir, has a meaning which the occupants of the Treasury Benches know and realise very well. Astute means crafty. The world may look up to Mahatmaji as a saint, but people who are adepts in that art of craft can see nothing but craftiness round them.

Dr. T. S. S. Rajan (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Mr. Chairman, I certainly congratulate the Honourable the Home Member on the assurance he was good enough to give at the close of his speech to the effect that the Government would extend their hand of fellowship and patronage to the All-India Village Industries Association when it once sets about on its legs and proves its sincerity. I certainly should thank him for that assurance, but I am afraid the assurance loses all its merit, all its usefulness, and all that is valuable in it, when a condition is put upon it that when it survives the opposition of the Government, when it survives all those implications that are contained in this circular to the officers, and when in the face of all this severe opposition, the Village Industries Association would make itself felt.—I do say, Sir, that the assurance of Government comes with ill grace when it says that they would patronise it. It would have to prove by that time its capacity to survive in the face of all Government opposition, it would have to prove its usefulness, and no amount of Government opposition then would be of any avail. But what is it that the Village Industries Association proposes to do? The Village Industries Association proposes to confine its activities to three things in the beginning. First of all, the hand pounding of rice which all the villagers will have to consume instead of the milled rice. As a medical man I can tell the House, and it has been proved beyond doubt by various Commissions that have been appointed to inquire into the subject, that hand pounded rice is any day superior to milled rice. The vitamin contents in hand pounded rice is very much more than in milled rice and the disease called Beri-beri has always been thought to be, and even today it is thought to be, due largely to the consumption of polished milled rice. Hand pounded rice has several advantages in addition to improving the general health of the people. It gives an occupation to the villager, it gives food to the villager and keeps him free from disease. These are things, Sir, against which the Government circular has been sent. Again, the Village Industries Association proposes to revive the village industries. My friend opposite said something about handlooms, but are there not other industries which today for want of support in the villages are languishing? What about the mat-making industry? There are scores of such industries to which the villagers are not paying any attention and which the Village Industries Association proposes to revive. I am really surprised that such a well-informed Government as we have today should take it into their heads to send out a circular of this kind to all its officers and ask them to beware of the activities of the Village Industries Association, ask its members to see as to who subscribe to its funds, who are the people that take an active part in the development and promotion of the programme. I say the village munsiffs, the village officials will be set on the heels of all those people who are doing the Village Industries Association's work, the police will be informed and the villages will be set on fire, simply because of the fact that a man who speaks on behalf of the poor, who wants to revive the village industries, has been in the village to re-organize some

of the dying industries. I can also refer to another parallel instance. They say, what about the All-India Spinners' Association and its political significance? It shows how the Government has been hankering to get at the All-India Spinners' Association in their campaign of repression. In spite of all the laws that you have today, in spite of all the Ordinances that have been put in motion, in spite of all the powers that have been entrusted to the executive, the All-India Spinners' Association has escaped your laws. Government regret that it has not been possible for them to lay their hands on the All-India Spinners' Association. And after all, what is it that the Spinners' Association has done except to provide food for three lakhs of villagers, who are very poor, who would not have been able to exist otherwise, who would have died of famine,—poor people whose character and morality have been protected and whose virtues have been shielded by this programme, and it is of this Association that the circular says that it has a subtle and mischievous object, but the law could not lay its hands upon the All-India Spinners' Association. Now, what does the circular say about the Harijan movement and the funds collected by Mahatma Gandhi? Here, Sir, is a printed Report that has been published over and over again in this country, and it is really very surprising that this Government which is so powerful, so clever and which has its arms in every nook and corner of this country, has not heard anything about the Harijan movement and the way in which the funds collected by Mahatma Gandhi are spent. This Report clearly says that during the two years of the existence of this movement when the money was collected it has been spent for the benefit of the Harijans themselves, and there is an annual audited account presented to the country. It is about this the Government say that they do not know how the funds are collected and spent in this circular. And I am now asked to believe that this circular is only an instruction to its officers. Indeed it is an instruction with vengeance, it is an instruction to kill every movement started either by Mahatma Gandhi or even by the Congress for the welfare of the poor. Everybody knows how much this circular has frightened the poor villagers. Sir, we are there to do what we can to serve them, and as my friend has said, if our service brings its own reward, the Government cannot grudge us the result.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Mr. Chairman, I move a closure.

Mr. F. E. James (Madras: European): Mr. Chairman, I should like, in the first place, if I may be allowed to do so, to welcome to this House Mr. Satyamurti and his friends, and to express the hope that our association together in this House will, if not leading to agreement altogether between us, at least lead to a better appreciation of one another's point of view. Now, Sir, I have known my friend, Mr. Satyamurti, for some years. I have had the great privilege of crossing swords with him and co-operating with him in the Madras Legislature, in the Corporation of Madras and in the Senate of the Madras University, and there has always been one characteristic for which Mr. Satyamurti is very famous, and that is his power of advocacy. Even though his case may be bad, his powers of advocacy are used to the fullest extent, and his party in the Madras Legislative Council in the old days would always put Mr. Satyamurti up when they had a somewhat feeble case. (Laughter.) Now, Sir, I want to suggest to him that on this particular occasion he has not

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got a very good case. However good his English may be, his arguments were bad. I want to try and concentrate upon the issue which is involved. Many extraneous matters have been introduced into the course of discussion including that long exploded myth about the cutting off of the weavers' hands which had never any historic justification. I want to deal with the particular issue which is before the House and to confine myself to that issue and not to deal with some of these somewhat extraneous matters which have been introduced.

Now, as far as I have understood Mr. Satyamurti's remarks, he and the Government seem to be, as far as this particular circular is concerned, in entire agreement as to some points of the objective appreciation which is contained in that circular. As I read the circular, it apparently concluded that the Congress is still united; and I gather that Mr. Satyamurti agrees with that. The circular also has concluded that Mahatma Gandhi has his powers intact, that he is now hale and hearty; I gather Mr. Satyamurti also agrees with that. The circular goes on to state that the Congress has decided to attack the problem of national freedom not only in the city but in the village, not only in the country but on the floor of this House. I understand that Mr. Satyamurti also agrees with that,—certainly he agrees with it in so far as attacking the problem on the floor of this House is concerned. The only place where the author of this particular document and Mr. Satyamurti himself part company is where the document deals with the Village Industries Association and suggests to Local Governments that they should look upon this new movement, which has grown out of the Congress deliberations in Bombay, with a certain amount of caution,—you may call suspicion, you may call it caution, but there it is. I understand that Mr. Satyamurti's real charge against Government is that they should not have taken this somewhat suspicious and cautious attitude in regard to the Village Industries Association. Therefore the question before the House really is this. First of all, are Government justified in looking upon this new movement with a certain amount of caution and suspicion, and, secondly, even if they are justified in such an attitude, is it a matter upon which they ought to be censured by this House? That is the real point.

Now, let us take the first point, and in taking this first point, I would observe in passing that it is refreshing to find my friend, Mr. Satyamurti, representing the Congress in this matter, being so sensitive about the matter of Government co-operation. I have always understood that the Congress has been very independent in this matter in the past, has pursued its own course whether the Government has co-operated or has not. But now I find Mr. Satyamurti being peculiarly sensitive on this question of co-operation and even complaining, not of non-co-operation, because Government have never said that they will non-co-operate but of a certain amount of caution in the attitude of the Government on this point. Perhaps he wants to eat the cake and have it too under the direct application and control of this Government. That is a noticeable feature of this debate to which I would draw attention in passing.

Now, are there any justifiable grounds for this attitude which is revealed in this circular, an attitude of caution or suspicion in regard to the future of this particular organisation? It is an organisation which grew out of the deliberations of the Congress in Bombay. It is sponsored by the great national leader, Mahatma Gandhi, and its workers will be

largely drawn from the ranks of the Congress workers themselves. The Honourable the Home Member has read to the House a considerable number of quotations from authoritative documents which purport to give authoritative views of Congress leaders in regard to the necessity for a reorientation of policy and a reaching down on the part of the Congress into the villages in order to prepare the masses for what is called in somewhat vague language "mass action" if and when that should be required. I have here another quotation which I take from the *Bombay Chronicle*, dated the 21st November, which puts in a nutshell this very attitude that I believe leads to the suspicion on the part of the Government in regard to this movement. It says:

"The Congress influence will have to be increased in the neglected rural areas."

I think every one will agree with that:

"Such influence is a necessary preliminary to the reorganisation of villages for political action. Moreover a widely spread Congress organisation is also a necessary preliminary for the convening of the Constituent Assembly when the time comes. Let the Congress workers therefore spread themselves out into the villages, infuse the villages with Congress ideals and prepare the ground for such mass action as may be necessary in the near future."

One can quote many other statements of a similar nature which give even an outsider the impression that there is a danger that an organisation of this description may be the training ground for mass action in the political field in the future. We have, of course, the statement of the leader of this organisation himself, one who is at heart a civil resister and has never hesitated to say so, who has never given up himself the gospel of civil disobedience in which he believes most earnestly and who has frankly reserved his judgment in the future as to the necessity of such action again on a larger scale. Mr. Chairman, I ask the House, those who are prepared to give this matter their quiet and dispassionate consideration, as to whether, whether you agree with it or not, there is any ground for Government caution in this particular matter. I submit that there is definite ground for caution; there is certainly definite ground for some suspicion; and in-so-much as the Government are ultimately responsible for the fundamental function of governing the country, there is every reason why they should pause before taking any definite action. Now, there is one other feature of this circular to which I should like to draw attention. So far as I understood it when I read the extract from the paper, the circular itself is somewhat speculative in its appreciation of the facts and it is certainly tentative in its proposals for action to be taken. As I understood it, it did not say that any particular action should be taken. It merely sketched the appreciation of the position and it said: 'If this is correct, then we suggest that certain action ought to be taken, but on these two points we wish to consult Local Governments and we wish to hear Local Governments' views on these matters'. That is the meaning, Sir, as I read it and if it is not so, I should like to be contradicted. It is true that in the matter of industries the ministerial sphere is most directly concerned, and therefore, it is obvious that the Government of India would wish to consult the Ministers fully before venturing to take any definite action on their own part. If action had been taken already the matter would have been entirely different. But here is a new organisation which is being started, sponsored by the leader of the civil disobedience movement, supported by an organisation which

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still is primarily political and must be primarily political in its objective. Can you blame, therefore, the Government for some suspicion on the matter and for some caution. If their suspicions are unfounded, time will prove it. If their suspicions are not unfounded, then Government is right in issuing these directions of caution. In any case, there appears to me at the present time to be no justification whatsoever for a censure motion.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Sir, I have listened to the speech of the Honourable the Mover with very great attention. I have also listened to the speech of the Honourable the Home Member. I think there was nothing objectionable in that circular. After all what did it contain? The Government of India were conveying their own ideas about this particular movement. It was not a sort of order or direction. They were only intimating Provincial Governments that they have this apprehension in their mind. It may be wrong but from what we have heard today I think there is every justification in sending out that circular. It has been said by my Honourable friend, Mr. Fuzlul Huq, that he is opposed to having these private circulars and governing India by the method of circulars. He was a Minister in Bengal, and I should like to ask him how many confidential circulars he had issued during his time.

Mr. A. K. Fuzlul Huq: None whatsoever.

Mr. A. H. Ghuznavi: Then, how are the Government of India to convey their ideas and views to the Provincial Governments? Does he mean to say that they should convey their ideas not by circulars, but by making a statement to the Press?

Mr. A. K. Fuzlul Huq: Not secret circulars.

Mr. A. H. Ghuznavi: Do you mean to say that they should immediately give out to the public matters on which they want to consult Local Governments?

Mr. A. K. Fuzlul Huq: Of course.

Mr. A. H. Ghuznavi: That is not the way in which Government act in any country. My Honourable friend, the Mover, had read out to us certain of the paragraphs of that circular letter. I wish he had read out the other paragraphs too. I welcome that circular letter, for one of the paragraphs says:

"But apart from such preventive action there are in the view of the Government of India other methods by which this movement may be prevented from developing on dangerous lines."

It is in their view most desirable that Government should anticipate this new movement by pushing on vigorously all practical schemes for the improvement of the economic condition of the masses.

That is exactly what we want. Government is taking action now. They felt that the time had now come when they should take action. By this circular they are asking the Local Governments to take this action. Then further on it says.....

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Was the Honourable Member supplied a copy of the circular?

Mr. A. H. Ghuznavi: I got it from the same source as the newspaper.

Mr. Mohan Lal Saksena: Will the Honourable Member say where he has got it from?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order.

Mr. A. H. Ghuznavi: I am not bound to answer that question.

Mr. Mohan Lal Saksena: I want to bring it to the notice of the House that here is an Honourable Member. . . .

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member has already been called to order.

Mr. S. Satyamurti: On a point of order. No Honourable Member can read from a paper which was not placed on the table of the House. I should like to know what is the paper to which the Honourable Member is referring.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I would ask the Honourable Member whether he placed his own papers, from which he read, on the table.

Mr. S. Satyamurti: I read from the *Indian Express*. I am asking the Chair to rule that the Honourable Member cannot read from a paper which has not been placed on the table of the House.

Mr. A. H. Ghuznavi: I am sorry why all this fuss is made about this particular paper. Government say further in this connection that the Local Governments may also consider it desirable to give full publicity to the measures which they are undertaking and have undertaken for the uplift of the depressed classes. So, we will also know further what Government are doing for the uplift of the depressed classes. Then, they further say that the propaganda on these lines should not be limited to the steps taken for the development of village industries but should include all measures for the improvement of the peasants, that is provision of hospitals, schools, roads, canals, markets, etc. I consider this is a very useful circular they have issued. (Laughter.) After all, Government have realized that they must also do their part of the duty and they said they had taken up the interests of the masses. Not only do they say, "Do not limit your propaganda to developing village industries" but look to "the provision for schools, hospitals, etc., for the masses". Sir, after our experience of the last five years' disaster that the civil disobedience movement has brought about in India and of the serious consequences that have befallen those people in the various Provinces, is it not right for the Government to be alert, to see that no movement under any new name sprang up which might hereafter develop into something like the civil disobedience movement in the past? They have merely stated that in their opinion, they are apprehending something of that sort, but that, they might be wrong and they were asking for the opinion of

[Mr. A. H. Ghuznavi.]

the various Provinces. It is not as if they have sent out an order. (*An Honourable Member*: "They have.") It is an instrument giving their views in writing and inviting the opinion of the Provincial Governments. That is all that they said in the circular and the Honourable the *Honourable Member* made it clear in answer to the Honourable the Leader of the Independent Party that it was not to be put into action. Sir, what do we see further? The other day the Associated Press informed us that the Congress Working Committee passed this Resolution:

"The Congress has and can have nothing but good wishes for the personal well-being of His Majesty . . ."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): What is the relevancy of this Resolution to this discussion?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): What objection does the Honourable Member take?

Mr. T. S. Avinashilingam Chettiar: That is not relevant.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): I also want a copy of the circular.

Mr. A. H. Ghuznavi: It is very relevant in this sense. It is a copy of a circular which says:

"The Congress has and can have nothing but good wishes for the personal well-being of His Majesty, but Congress cannot ignore the fact that British rule in India wherewith His Majesty is naturally identified stands as a positive hindrance to the political, moral and material growth of the nation . . ."

An Honourable Member: You deny that?

Mr. A. H. Ghuznavi: It is not a question of our denying it or not; the question is that you are bringing His Majesty into this Resolution. Now, was it proper to pass this Resolution at this juncture when we are going to have the Silver Jubilee in a short time?

Some Honourable Members: I move that the question be now put.

An Honourable Member: The question may now be put. The time is up.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order. It is not the duty of any Member of the House to indicate to the Chair that time of a Member, who is speaking, is up. I have got a careful calculation of the time. I do not think it is right to constantly and unnecessarily interrupt a Member when he is talking especially when there is yet time left for him to speak. The Honourable Member Mr. Ghuznavi's time is almost up.

Mr. A. H. Ghuznavi: Thank you; I wish to speak only for a minute or so. . . .

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member's time is up.

Several Honourable Members: The question may now be put.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Sir N. N. Sircar.

The Honourable Sir Nripendra Sircar (Leader of the House): Mr. Chairman, my Honourable friend, Mr. Satyamurti, has brought forward this discussion on the ground that it is a definite matter of urgent importance. The Government have not objected to any free and frank discussion, but after hearing my Honourable friend, Mr. Satyamurti, and some of the other speakers, I believe, the House will agree with me that we have been discussing in a most indefinite manner a matter of no urgency whatsoever.

Mr. S. Satyamurti: On a point of order, Sir. You have ruled that it is a definite matter of urgent public importance, and is it open to any Honourable Member to suggest that it is not so?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member Mr. Satyamurti is quite right in his point of order. (Applause.)

The Honourable Sir Nripendra Sircar: Sir, I can assure the Chair that I was not questioning its ruling at all. On the other hand, accepting the ruling, I was only saying that you were led to believe and we were led to believe that a definite matter would be discussed. I am only pointing out that the matters which *have* been discussed are extremely indefinite, it does not mean, nor was it my suggestion, that anybody should dispute the ruling which came from the Chair. Now, Sir, the gravamen of the charge, as I understand it, to put it very shortly, I am quoting again the words of my Honourable friend, Mr. Satyamurti, that Mahatma Gandhi is the soul of truth, Mahatma Gandhi has said that this movement is not political, and, therefore, it is very mean and disgraceful on the part of anybody to suggest that he has spoken an untruth. But that is bugging the whole question; I am not now here disputing the proposition that he is the soul of truth, but where does untruth come in? The charge is this, or rather the surmise which the Government has made is this, that although he may have stated it as an economic movement, the idea at the back of the mind of the Mover is that when the masses are thoroughly drilled and disciplined, it will later on be used for a political purpose.

An Honourable Member: Why not?

The Honourable Sir Nripendra Sircar: The moment the question "why not?" is put, it is an admission that the circular is true. (Loud Official Applause.)

Mr. M. A. Jinnah: May I ask the Honourable the Leader of the House, does he suggest that the masses of this country should not be trained up and used for any political purpose? (Hear, hear.)

The Honourable Sir Nripendra Sircar: I can assure my Honourable friend that he has misunderstood me.

Mr. M. A. Jinnah: You said "a political purpose"—you mean "unlawful activities"?

The Honourable Sir Nripendra Sircar: What I mean is this. It is quite open, it may even be laudable, that depends on the point of view of a particular man, to mix up politics with economics but that is a point which you are not discussing today. We are not suggesting that nobody should mix up politics with economics. That might be to the best interest of a country,—to mix up politics with economics. The circular is directed against one point and one point only, namely, that this is a political movement mixed up with economics, that this is a political movement, and the particular politics with which this circular is concerned is the politics which leads to civil disobedience. The sole question is that the circular surmises politics—and that is now admitted.

An Honourable Member: How do you know?

The Honourable Sir Nripendra Sircar: I know because the author of this movement has reserved to himself the right of starting a civil disobedience movement at any time he pleases.

Mr. M. A. Jinnah: May I interrupt my Honourable friend? May I ask the Leader of the House what would be sufficient or what would satisfy the Government, over and above the statement by Mahatma Gandhi—who is "the soul of truth" according to your own admission—who has said that he has no political purpose? What else do you want?

The Honourable Sir Nripendra Sircar: If I have understood my friend aright, his question is: What would satisfy the Government? What does he mean by that?

Mr. M. A. Jinnah: Satisfy the Government that there is no justification for the suspicion that this movement is being carried on under cover of some ulterior motive leading to civil disobedience.

The Honourable Sir Nripendra Sircar: That can be done by two sentences being uttered by Mr. Gandhi. That is to say, he has not merely suspended it and kept it in suspended animation, but he has advised once for all including himself that civil disobedience is going to be discarded.

(It being six of the Clock.)

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The House now stands adjourned till tomorrow at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd January, 1935.

LEGISLATIVE ASSEMBLY.

Tuesday, 22nd January, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock. Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) in the Chair.

MEMBER SWORN.

Mr. Hormusji Peroshaw Mody, M.L.A. (Bombay Millowners' Association: Indian Commerce).

MOTION FOR ADJOURNMENT.

PREVENTION OF MR. SARAT CHANDRA BOSE FROM ATTENDING TO HIS DUTIES AS A MEMBER OF THE LEGISLATIVE ASSEMBLY.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have received notice of a motion from the Honourable Member Mr. N. C. Bardaloi that he proposes to ask for leave to make a motion for adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows:

"The conduct of the Government in preventing Mr. Sarat Chandra Bose, an elected Member of this Assembly, from attending to his duties as a Member of this House and thereby seriously infringing the privileges of this House and depriving the constituency which elected him of its right to be represented in this House."

I should like to hear from the Honourable Member his reasons for considering this matter to be definite and of urgent public importance.

Srijut N. C. Bardaloi (Assam Valley: Non-Muhammadan): It is a matter of public importance in so far as a Member of this Assembly has been detained and he has not been allowed to come and attend the Session of this Assembly and thereby his services have been denied to the Assembly and his constituency also has been deprived of his services. So that is a matter which concerns the constituency from which he comes. The matter is, therefore, definite and it is one of urgent public importance, and I have brought the motion as early as possible.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): After having heard what the Honourable Member has said, I consider this motion for adjournment to be definite and one of urgent public importance, and, I therefore, rule that the motion is in order. I would now ask if any Honourable Member has any objection to the motion being taken up.

The Honourable Sir Henry Craik (Home Member): I have no objection.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member indicate to the Chair what time would be convenient to him for this motion to be taken up for discussion?

The Honourable Sir Henry Craik: Four o'clock this afternoon.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): May I request that the motion might be taken up after lunch at about half-past two? My request may be considered.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I am glad to have the Honourable Member's opinion, but I am afraid the Chair must decide so as to suit the convenience of the Honourable Member in charge of the Department concerned. As no objection has been taken to the motion, I declare that leave is granted and that the motion will be taken up for discussion at four o'clock this afternoon.

The Honourable Sir Henry Craik: May I ask if the discussion will be confined entirely to the question of the privilege or whether other aspects of the matter will also be allowed to be taken up for discussion?

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I had given notice of an adjournment motion on the self same subject.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have seen the motion of the Honourable Member. It will come up for consideration at a later date, unless, in the meanwhile, the Honourable Member withdraws it. The similarity of the Honourable Member's motion to the one proposed for discussion this afternoon is so close that I suggest it would be better for the Honourable Member to consider its withdrawal.

In reply to the Honourable the Home Member's request, I must inform the House that when this motion is discussed today, I shall certainly see that the remarks and criticisms made by Honourable Members are confined to the privileges of this House as are adumbrated in the motion for adjournment and which are called into question.

THE INDIAN MINES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move for leave to introduce a Bill further to amend the Indian Mines Act, 1923, for certain purposes.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Mines Act, 1923, for certain purposes."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

THE INDIAN NATURALIZATION (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member): Sir, I move for leave to introduce a Bill to amend the Indian Naturalization Act, 1926, for certain purposes.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

"That leave be granted to introduce a Bill to amend the Indian Naturalization Act, 1926, for certain purposes."

The motion was adopted.

The Honourable Sir Henry Craik: Sir, I introduce the Bill.

The Assembly then adjourned till Four of the Clock.

The Assembly re-assembled at Four of the Clock, Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) in the Chair.

MOTION FOR ADJOURNMENT.

PREVENTION OF MR. SARAT CHANDRA BOSE FROM ATTENDING TO HIS DUTIES AS A MEMBER OF THE LEGISLATIVE ASSEMBLY.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Before I call upon the Honourable the Mover of the adjournment motion to move his motion, I should like to state that it would be to the advantage of all concerned as also in the interests of the economy of time if each Party that desires to present its case would respectively confine their speeches to just a few speakers and so within the two hours time at our disposal afford the Chair an opportunity of deciding as to whether a closure should or should not be put. It is obviously impossible for the Chair to come to an equitable decision when so many Members of the House desire to speak and when, in the opinion of the Chair, it appears that the matter has not been sufficiently discussed. The Chair desires to place before the House its views and wishes on this motion for adjournment to repeat its intention that it will try its utmost,—and the Chair hopes Members of the House will help it,—to confine all speeches made on this important matter which is pregnant with controversy, entirely to that aspect of the question which governs and concerns the privileges associated with it and not with anything else as regards the law or its operation that led to the incarceration of the gentleman in question.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, may I know what you really intend by saying that the discussion should be confined to the "privileges"? It is a very undefined term.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member has asked a question to which the Chair is very pleased to reply. The motion for adjournment before the House is indeed a very specific one. It calls into question, by means of adjourning the business of this House, the conduct of Government, a conduct which, it is alleged, has seriously infringed the privileges of this House and one of its Members and has deprived the constituency which elected this gentleman of his right to be present in this House. The privilege that is being questioned, as I interpret it, and its relevancy to the conduct of Government has to

[Mr. Chairman.]

my mind one and only one interpretation, that is the enforced absence from this House of one of its Members and a denial to him of enjoying his privileges as a Member. As to the *raison d'être* of that absence I refer to the legal aspect of the question. This is not at all included in this motion for adjournment. The motion merely calls into question the Government's conduct in preventing him, a duly elected Member, from enjoying the privileges of this House and nothing else and all speeches must be rigidly confined to this aspect of the motion.

Srijut N. C. Bardaloi (Assam Valley: Non-Muhammadan): Sir, I beg to move the adjournment of this House on a definite matter of urgent public importance. It relates to the detention of Mr. Sarat Chandra Bose, an elected Member of this House, under Regulation III of 1818, thereby preventing him from exercising his rights and performing his duties as a Member of this Assembly. He is prevented also from representing his constituency which has got a right to be represented here, after having elected him.

The facts of the case are well-known. This gentleman was detained under Regulation III of 1818 and he was under detention for some time when the elections for this Assembly began. At the time of his election, there was nothing in the Government of India Act which could prevent him from filing his nomination paper or offering himself as a candidate for election. As a matter of fact, he filed his nomination paper and the representative of Government accepted that nomination paper. He put in his security deposit and Government deposited that in the Treasury. And, then, afterwards, he was elected unanimously by his constituency and Government gazetted his election as a Member of this Assembly. Finally, he was summoned by His Excellency the Governor General to come and take part in the work of this Assembly as a Member. This is the state of things which occurred just before this Assembly began, and then what happened? When he was ordered to come and attend this Assembly he was detained and not allowed to come and perform his duties here, and why? Because he was detained under Regulation III of 1818. Why then was he allowed at all to file his nomination paper? As a matter of fact, the Government of India Act is an Act of Parliament and under that Government of India Act rules were made by the Governor General in Council with the sanction of the Secretary of State. In those rules the qualifications of Members and disqualifications also were prescribed and there is no disqualification assigned to a man who has been detained under Regulation III of 1818. But why do Government detain this man under Regulation III of 1818? They do it under suspicion, because no proof can be found against him. In this case this gentleman was detained under suspicion. But some time back he actually challenged Government to come out in the open with facts and figures and he, as a matter of fact, nominated three eminent jurists to form a Special Tribunal, if I remember aright, *viz.*, a High Court Judge, the Honourable the Law Member of the Government of India and the Honourable the Law Member of the Government of Bengal. He challenged Government to try him, and, if found guilty, to convict him. Instead of doing that, Government still kept him under that Regulation without giving him a chance to clear himself; and, on account of that suspicion, he is not allowed today to come and attend to his duties in this Assembly.

Now, the question arises, under what law is he detained and under what law was he called to attend this Assembly Session? So far as the Government of India Act is concerned, it is a Parliamentary Act and Regulation III is a law passed by the Governor General in Council a long time back. It is a law which cannot supersede the Parliamentary Act and under that Parliamentary Act certain rules were prescribed. It was under those rules that he was summoned to come here and attend this Assembly Session. How can he now be detained? Why should he not be allowed to come and join us here? If I understand aright, the summons of His Excellency the Viceroy was not obeyed as a matter of fact by the Government of Bengal. Can the Government of Bengal do that in the face of the summons of the Governor General of India?

As regards the privilege of this House, I beg to submit that this House has got this privilege that it has a right to the service of any Member who is elected to come and act here. That privilege has been infringed and infringed how? Under Regulation III of 1818. There are examples when a man, who is found to be under suspicion, is allowed to remain outside his province free and in this case Delhi is a far cry from Bengal. What would have happened to the Government if Mr. Bose had been allowed to come here and sit in this Assembly and serve this Assembly? By not allowing him to come here, the Government have infringed the privilege of this House and also infringed the privileges of the constituency which elected him. His own personal right has also been infringed by this action of the Government which cannot be justified. With these few words, I commend the motion to the acceptance of the House.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Motion moved:

"That the House do now adjourn."

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. Chairman, this motion raises a very important issue, that issue being the right of an elected Member of this House to attend the Sessions and to discharge his duties as an elected Member. I can show that more than half a dozen times the Government have declared in most unequivocal language that Mr. Bose is entitled, is qualified to stand as a candidate that he is qualified, that he is eligible, and not only that, but that he is entitled to come here and to perform his duties as a Member. To begin with, when his nomination paper was filed, there was that deposit of Rs. 500 which was accepted by the Government. That was done with the full knowledge that he was already under detention at that time under Regulation III of 1818. Then came the scrutiny. His nomination paper was examined and was accepted. It was accepted, because he was found to be qualified and eligible. It was not rejected, because he was not labouring under any disqualification. Internment under Regulation III of 1818 is not a disqualification under the rules enacted under the provisions of the Government of India Act. Now, what is the meaning and what is the significance of the acceptance of this nomination paper? I contend that this practically is tantamount to a declaration by the Government that Mr. Bose is entitled and is eligible to be a candidate and the Government invited the electors to vote for him. This acceptance of the nomination paper was, I say, a second declaration on the part of the Government. Then, there was the polling; and, as a result of the polling, the Government declared Mr. Bose as having been duly elected.

Mr. A. H. Ghuznavi: There was no polling. He came in uncontested.

Mr. Akhil Chandra Datta: Never mind. Polling or no polling, Government did declare him as having been duly elected. I do not like to be interrupted, because my time is short

Mr. A. H. Ghuznavi: I am only making certain corrections.

Mr. Akhil Chandra Datta: It does not deserve any reply

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The Honourable Member will please continue.

Mr. Akhil Chandra Datta: Now, he was declared elected by the Government. I say this was another declaration by the Government that Mr. Bose was qualified and eligible to perform his duties as a Member. Then, there was that notification in the Gazette—still another solemn declaration by the Government. After that, when a Member has been elected and his election has been declared by the Government, is it election for the sake of election merely or because he should come and do his duties here in this Assembly? I need not, however, labour that point: as regards his right to come here and attend the Session, that right was recognised by His Excellency the Governor General in as much as a summons was issued asking Mr. Bose to come and attend the meeting on the 21st of January. That was another very solemn declaration. But there was still another. He was again asked to come here on the 24th of January on the occasion of the address by His Excellency the Viceroy. So that there were so many invitations and announcements made by the Government that he was entitled to discharge his duties as a Member . . .

An Honourable Member: His name was also called out by the Secretary to take the oath!

Mr. Akhil Chandra Datta: Thank you: his name was called out to come and take the oath of allegiance. That is so far as His Excellency the Governor General is concerned. But we are told that under a certain order communicated to Mr. Bose by the Government of Bengal under the order of the Government of India, he has been told that permission to attend has been refused. So, it is a case of His Excellency the Governor General *versus* I do not know what authority—whether it is the Government of India or the Bengal Government or the C. I. D. or anything of that sort. That is the position. These being the facts, I ask the Honourable Members of this House to frame a charge against the Government, that charge being one of breach of faith on the part of the Government so far as Mr. Bose is concerned and so far as Mr. Bose's constituents are concerned. Mr. Bose was asked to come in and contest. He was allowed to spend money, spend his energy and that of his supporters; and when he is elected he is told that he cannot come and do his duties here as a Member. I say, therefore, that it is a breach of faith so far as Mr. Bose is concerned. It is equally a breach of faith towards his constituency. That constituency is the Calcutta Non-Muhammadan Urban area. Calcutta, I need hardly say, is the most enlightened and most important constituency in the whole of India. It is the First City in India and the Second City in the British Empire. The result of this order of the Government refusing him leave to come here is that that constituency goes unrepresented.

There is still another wrong to another Party. He was returned on the ticket of a certain Party. He was not standing as an independent man on his own account. That Party had its own programme. He was asked by his constituents to come here and fight for that programme, and, I say, therefore, that it is a wrong done to that Party also.

Lastly, there is the privilege of the House. That is a constitutional question which I have not the time to argue now. There the matter rests. So I say that he has a right to attend this Assembly, but he has been deprived of that right. Mr. Bose is one of whom any Legislature in any country would be proud. It is a pity, Sir, that this House has been deprived of the services of a Member of that stamp, that he has been deprived of his statutory right, his inherent right as a Member to do his duty in this House. With these words, Sir, I say that the conduct of Government in this connection was simply not only illegal, but, to use a very moderate word, was not proper.

Mr. A. K. Fuzlul Huq (Bakarganj cum Faridpur: Muhammadan Rural): Sir, I move that the question be now put.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): There is no other speaker.

Mr. A. K. Fuzlul Huq: Sir, I move that the question be now put.

Mr. S. Satyamurti: There is no speaker, Sir.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order.

The Honourable Sir Nripendra Sircar (Law Member): Mr. President, I shall strictly abide by your ruling and confine myself only to the question of privilege with which we are concerned. I noticed that my friend, Mr. Akhil Chandra Datta, who has great experience as a lawyer, said various things on various topics, but when he came to the question of privilege, he said he had no time to argue it. It would have been more correct to say if he had said that it is a point which cannot be argued. He is silent on the only point at issue.

Sardar Sant Singh (West Punjab: Sikh): So far as that Member is concerned.

The Honourable Sir Nripendra Sircar: Sir, I shall place the matter as succinctly as I can in 15 minutes. This is a dry technical point which does not lend itself to either enthusiasm or to generation of heat. Before we discuss the question of privilege, it may be as well to inquire on what this privilege or privileges of the Houses of Parliament or of any other Legislative Assembly are based. What is their origin, what are their limitations and when can they be exercised. Now, Sir, I have no desire to take the House through a series of books, but I shall just give a few quotations from May, the standard book on Parliamentary Practice, at page 73:

"The law of Parliament is thus defined by two eminent authorities. 'As every court of justice hath laws and customs for its direction, some the civil and canon, some the common law, others their own peculiar laws and customs, so the High Court of Parliament hath also its own peculiar law, called the *lex et consuetudo Parliamenti*'. This law of Parliament is admitted to be part of the unwritten law of the land, and as such is only to be collected, according to the words of Sir Edward Coke, 'out of

[Sir Nripendra Sircar.]

the rolls of Parliament and other records, and by precedents and continued experience'; to which it is added, that 'whatever matter arises concerning either house of Parliament, ought to be discussed and adjudged in that house to which it relates, and not elsewhere'. Hence it follows that whatever the Parliament has constantly declared to be a privilege, is the sole evidence of its being part of the ancient law of Parliament."

Now, Sir, I shall deal with the point. It has been laid down repeatedly by the House of Lords that no Parliament, outside the British Parliament, has any privileges independent of this Parliamentary Custom, and where a Legislative Assembly is created by an Imperial Statute, it has got to find its powers and privileges, if any, within the four corners of that Statute. That is such a well-established proposition that I shall detain the House with only two quotations and be done with that point altogether. This question has been raised over and over again by Parliaments in Australia, particularly in Tasmania and so on, and it has always been held that this question of privileges based on parliamentary custom has no application to any Assembly created by Imperial Statute. I shall give the House only one more reference now. I do not propose to read long judgments. I shall only read a few lines from Moore's Privy Council cases, Vol. IV.

"These powers certainly do not exist in corporate or other bodies, assembled, with authority, to make bye-laws for the government of particular trades, or united numbers of individuals....."

"It is said, however, that this power belongs to the House of Commons in England; and this, it is contended, affords an authority for holding that it belongs as a legal incident, by the Common Law, to an Assembly with analogous functions. But the reason why the House of Commons has this power, is not because it is a representative body with legislative functions, but by virtue of ancient usage and prescription; the *lex et consuetudo Parliamenti*, which forms a part of the Common Law of the land, and according to which the High Court of Parliament, before its division, and the Houses of Lords and Commons since, are invested with many peculiar privileges. . . . Their Lordships are of opinion that the principle of the Common Law, that things necessary, pass as incident, does not give the power contended for by the respondents as an incident to, and included in, the grant of a subordinate Legislature."

The question was again raised later on, and, I believe, the same conclusion was arrived at in 11, Moore's Privy Council Cases. I shall read three lines only.

"The principal point is",—*I am reading from page 745*,—"the principal point is, undoubtedly, of great importance, involving, as it does, the constitutional rights and authority of the Legislative Bodies in various parts of Her Majesty's Colonial Territories".

I may tell the House that this was a case where the Legislature had the power to make inquiries, and they ordered a witness to appear on its summons, and he refused to attend, and that is how the question arose. This question in substance came before its Committee on an appeal from Newfoundland. That is the case I have just read out to the House, and I read a few more lines:

"The second time before the Lord Chancellor, two noble members of the Committee who had formerly held the great seal, the three chiefs of the Common Law Courts in Westminster Hall, two out of the four members of the Court were present at the decision of the case. They have held that the power of the House of Commons in England was part of the "*Lex et consuetudo Parliamenti*," and the existence of that power in the Commons of Great Britain did not warrant the ascribing it to every Supreme Legislative Council or Assembly in the Colonies."

Sir, you will find the cases all collected in May. I have no desire to read them, but I will only tell the House, especially to those Honourable Members who are not lawyers, that it is a settled proposition that this House which has been constituted by an Imperial Statute has no privileges of any kind whatsoever, but those which are to be found in the four corners

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): May I know from the Honourable Member whether the Government of India Act has taken away that right?

The Honourable Sir Nripendra Sircar: I am afraid my Honourable friend has not followed me. If he had done so, he would have understood that it is not a question of taking away any right or privilege, but it is a question of conferring, and if my friend will read that judgment, he will find that the point has been specifically dealt with there. On the other hand, the Court has doubted whether such a customary power can be conferred even by a Statute, but I won't be digressed into that, because I have got only 15 minutes more

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadian Urban): Does the Honourable Member mean to say that the Members of this House have got no privileges over and above those of an ordinary citizen?

The Honourable Sir Nripendra Sircar: If the Honourable Member will bear with me, he will hear that under the powers that have been given by Statute, for instance, under section 67 (7) of the Government of India Act, freedom of speech has been given. If this Legislative Assembly enjoys the right of freedom of speech, it is not because of any customary right, but that is conferred by the Government of India Act. It is a Statutory right of the individual, not privilege of the House.

Mr. Lalchand Navalrai: Does that exhaust it?

The Honourable Sir Nripendra Sircar: That does not exhaust, but it exhausts the patience of Mr. Lalchand Navalrai. (Laughter.)

Mr. Akhil Chandra Datta: Nothing like inherent power?

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order.

The Honourable Sir Nripendra Sircar: I hope, Mr. Chairman, you will deduct these interruptions from my fifteen minutes. That does not exhaust, because, in the year of grace 1925, with the assistance of Mr. Lalchand Navalrai, I believe

Mr. Lalchand Navalrai: I was not here. I came here in 1928.

The Honourable Sir Nripendra Sircar: I regret without the valuable assistance of Mr. Lalchand Navalrai (Laughter), a Statute was passed—Act XXVIII of 1925. Under that Statute, a man cannot be kept in custody in execution of a civil process if he happens to be a Member of this House. That Act became necessary, because this House had no privileges of any kind and it was conferred by that Statute. Therefore, that right

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Members have, and they can have the hospitality of His Majesty in any prison so long as this Assembly is sitting. I have said that my Honourable friend, Mr. Akhil Chandra Datta, has not indicated how this privilege is claimed, but I have shown that there is no kind of privilege, whatever, so far as this Assembly is concerned except what is to be found in the Government of India Act or other Acts. If we turn even to the privileges of the Houses of Parliament, there is the old rule that in cases of detention either under process in connection with criminal law, or even in cases where a man has been detained without any trial but legally detained under some Statute, there is no breach of privilege. I will remind this Honourable House that if they will turn to May, they will find there are four cases of members who had been detained under an Act called the Protection of Ireland Act. In 1920, an Irish M. P., Mr. Joseph Macricle, was detained under that Statute, the language of section 14 (b) of which is:

"The Secretary of State may by order require such a person to be forthwith interned in such place as may be specified in the order."

So this gentleman and in three later cases three other men who were members of Parliament were detained, not after a trial in any court of justice—they were not found guilty of any criminal offence, but they were legally detained by the powers given under that Act, and the position of Mr. S. C. Bose is exactly the same here. He has not been found guilty of any criminal offence, nor am I suggesting that he is guilty of any criminal offence. He has been detained under Regulation III of 1818, the language of which is very similar to section 14 (b), and it was decided that there was no question of privilege there. I will remind Members of this House that it has also been clearly laid down that where a person has been detained before his election—and the case of Mr. S. C. Bose is a case of detention before election—there is no duty on the part of anybody, either the Government or the man in charge of the jail, to send any information to the House. This matter was debated at great length and it was ultimately decided in the Houses of Parliament that that was the correct position. I have not got the time to read all the relevant passages, but any Honourable Member who is interested in this question will find that in Volume 93 of Hansard at pages 1783 and 1963. Therefore, speaking generally, the position seems to be this. This House has no privileges beyond what is given by the Government of India Act, by the Legal Disabilities Removal Act of 1925 and there may be other Acts also,—I have not exhausted the list. But surely, the detention of Mr. S. C. Bose raises no question of privilege, and where a right of privilege is raised as given by a Statute, as has been pointed out by the authorities, including May's Parliamentary Practice. How can this House claim a privilege, for its breach it has no power to punish?

Mr. Basanta Kumar Das (Surma Valley *cum* Shillong; Non-Muhamadani): May I know if there is any analogous case in England where a man, while being detained, was allowed to be elected to the Houses of Parliament?

The Honourable Sir Nripendra Sircar: I have not been able to follow the Honourable Member. It is very difficult to hear him from this distance, and I cannot undertake to answer a question which I cannot hear. (Laughter.) A man undergoing six months imprisonment is not disqualified,

but is not entitled to release on election. Then, the point was raised by the Honourable the Mover of the difficult situation created. Here, said he, is a man detained under Regulation III of 1818; on the other hand, he has got a summons from the Governor General, or, at any rate, issued under the authority of the Governor General, to attend this House, and which prevails? That is exactly the point that I shall discuss. If Mr. Bose thinks, if he is so advised by his friends, and he himself is a lawyer, that the summons is an authority for him under which he is free to come out, then, if he is prevented, he has got the right to move the Courts. It is not a question of privilege of this House, it is a question of his personal right, just as in the case of the Legal Disabilities Removal Act if a man who ought not to have been arrested is in fact arrested, this House has no powers of any kind whatever to do anything to anybody who has arrested him, but the appropriate court has got to be moved for his release under the particular section of that Act. It is not a question of privilege of this House at all. I do not see any conflict at all. It is said that this is a summons from the Governor General. My Honourable friend, Mr. Akhil Chandra Datta, perhaps used more accurate language when he said this is one of the many invitations which Mr. S. C. Bose has received. Whether you call it summons, or whether you call it invitation, notification or declaration, it does not matter. But what is the legal force of this summons? Supposing Mr. Bose says: "I have not the slightest desire to attend the House", what consequences would have followed? What was the penalty in order to put it into force? Therefore, the language may be the language of summons, but we know it has no legal force to compel his attendance here.

Munshi Iswar Saran (Benares and Gorakhpur Divisions; Non-Muhamadani Rural): He would have been unseated.

The Honourable Sir Nripendra Sircar: I am not dealing with that question at all.

Some Honourable Members: Yes, you are.

The Honourable Sir Nripendra Sircar: I am dealing with the question of privilege. Unseating would have been the result of a Statute.

Munshi Iswar Saran: I am telling you the consequence that would have followed.

The Honourable Sir Nripendra Sircar: But there is no power on earth to compel him to attend the Assembly if he chooses not to do so. If I give you an extreme case, it is not for suggesting that Mr. Bose's case is anywhere near it, but for testing the validity of this argument, namely, that there has been a conflict between the summons issued under a Parliamentary Statute and detention under Regulation III of 1818, an Indian Statute. Let us take this extreme case. A Member who has started from Madras is on his way to attend this House after receiving the summons. He commits a murder in train. I hope he won't do it. I am mentioning Madras only by way of illustration. (Some Honourable Members: "Why not Bengal?") Let us say Bengal or preferably the province of Assam from which Mr. Bardoloi comes. He commits a murder in train. The warrant is issued.

Mr. S. Satyamurti: On a point of order, Mr. Chairman. The Honourable the Leader of the House has exceeded his time limit.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order. The Honourable Member's time is almost up.

The Honourable Sir Nripendra Sircar: I shall only take a minute or two, and "almost up" does not mean that it is up. When the officer comes to arrest him under the warrant, he says "My dear fellow, your warrant is under the Criminal Procedure Code which is an Indian Statute. Here I have received a summons from the Governor General under a Parliamentary Statute. Be off". That shows the utter absurdity of this argument that there has been a conflict. As my time is up, I have no desire to prolong my observations, and I was well aware that the time allowed is too short for dealing with the matter exhaustively.

Pandit Lakshmi Kanta Maitra: Do I understand the Honourable Member to say that Mr. Sarat Chandra Bose, a State Prisoner under Regulation III of 1818, will have to move a Court for his release?

Mr. B. J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Mr. Chairman, I am glad of the assistance I have got of a well-known book which the Honourable the Leader of the House read out as regards the passages which deal with the growth of privileges. The questions which arise as regards this case are perfectly clear and are also capable, I respectfully submit to the House, of an equally clear solution. It is not as dry in the sense of impossibility of solution as the Honourable the Leader of the House would have it. He read to you, and I am glad he read to you, that privileges of the House can arise by what he called the Common Law, the custom of the House and precedent, and of all others I emphasize precedent more than any other. In the previous case of the Mr. S. C. Mirta though the Government of India failed to respond to the vote of this House, a precedent has fortunately already been created by this House,—in that, by its vote, it expressed that the Member who was then detained ought not to have been detained. That was the opinion of the majority of this House. The question is not whether this House has the privilege in another sense of the term. There are two senses in which the word privilege is used. One is the privilege of the House as a Supreme Court at the bar, of which the offender who commits the breach can be called for explanation and it is a pity that it is that privilege which was made too much of without distinguishing between the privilege of the individual Member and the privilege of the House in arraigning before it the offender. I therefore ask the House to bear in mind two things which are implicit in this matter. The privilege of the House in so far as it arrogates to itself an authority to judge, an authority to enforce, as against an offender is one matter. The privilege of the House in so far as the individual has rights, which may or may not be respected by a Government of the type that we have in this country today, is another matter. I come therefore to the second privilege which is more important and which is the one in issue now, the privilege of the individual. The privilege of the individual arises by way of implicit privilege inherent in the very position to which he has been elected under an Act of Parliament and notwithstanding anything that the Honourable the Leader of the House may say about a person being arrested on a

charge of murder. Let us only confine ourselves to the question on the acts of the present case. The fact remains that it was competent to the framers of the Act of Parliament and the rules which have been made under it, with the sanction, I presume, of the Secretary of State to add another disqualification to those which are now prescribed, for indeed it was not unknown at the time of making of the rules that there are many acts in this country which have been described, to use a hackneyed phrase, as the most atrocious of the lawless laws that exist; the preamble of the Regulation III of 1818 says "it may occasionally be necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding". So that it was well-known to the framers of that Parliamentary Act that there were statutes of this character in India and the best way for them, therefore, was to raise a disqualification, that any person interned under such an act should also be disqualified, so that the constituency, the electors who wish to exercise their privilege to return him to the House in order that he may do his duty, may well know that he is a disqualified person. I say that this was omitted not merely as a matter of inadvertence, but supposing it was, how does the law stand? As the law stands, the Act of Parliament has led the country to believe, and, therefore, every constituency to believe, that any person under detention is not a disqualified person and indeed it would be a travesty to say that if he is not disqualified to stand and if properly elected there is still some other reason why he may not be allowed to exercise the privilege of serving in the House. I ask every section of the House, notwithstanding the legal subtlety, the narrow dry question, as my friend put it, not to surrender their inherent right as Members of this House. For the Act of Parliament does not purport to say and does not dare say that a person so detained is a disqualified person and may not be elected to this high office. That is how, I say that in the Government of India Act itself the privilege is implicit, but the matter does not rest there at all. I think the question was rightly put by some Honourable Members to the Leader of the House—if he means to say that the only way in which any privilege can ever arise is by its being put into Statute. It is not a question of borrowing the privileges of the House of Commons for the Members of a body like this. I have often been told in legal history, that rights arise at Common Law. Let us in this House start the commencement of that great Common Law of this land by creating the privileges of this House (Applause) and by following the precedent which has already been created by this House. I know very well that that particular claim of privilege, that particular demand, is met with a defiance by powers which undoubtedly are exercised by the Executive in this country, for we cannot forget and we must not forget that it seems to be (and it is a very unfortunate state of mind in those who govern this country at present), a sort of continuous hostility between the Government on the one hand and the rights and privileges of the people on the other. Such difficulties do not and cannot arise in any other country. (Applause.) The fact remains, however, that such a call would never have been met in any other country with defiance: and, Sir, I appeal to you that such a defiance is not a sign of courage, it is a sign of growing diffidence not to allow persons otherwise properly qualified and properly elected and otherwise capable, to come and give the assistance to the House which they are entitled to give and which they are capable of giving. (Applause.) And may I point out to the Honourable the Leader of the House that even where a man is convicted of an offence

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6 If a summons is sent from a Court of justice, he is brought (undoubtedly under guard) and in aid of justice even the prison-door is open and he is brought to the bar of the Court in order that he may assist in the administration of justice. (Applause.) And am I to be told, and is this House to be told that a person who is not convicted of any offence but is merely detained by an executive order has a lesser privilege to come and assist in as great if not a greater purpose than that of assisting in a Court? (Applause.) And I ask this House to say that Mr. ~~S. C.~~ Bose has a privilege higher, greater, more sacred and more useful to be protected. (Applause.) With these words, I support this motion. (Loud and Prolonged Cheers.)

7 **Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I listened to the speech of the Honourable the Leader of the House carefully, after you gave your directions (*Some Honourable Members*: "Louder, please") as to what the meaning of the word "privilege" was in response to my request for making it more clear than it had appeared to me before that. Now, Sir, the word "privilege" is not defined so far as this House is concerned. When you say "the privilege of the House" I do not think it is being defined in any way and, further, there is no Statute that has defined the word "privilege". The Honourable the Leader of the House very rightly said—I do not think I would dispute the proposition—that there are certain privileges which are in fact specifically conferred upon the Members of this House by certain Statutes. Granted, correct. Then he says that this is not a privilege which comes within any one of those Statutes, but if it does, go to a Court of law and have your right decided. For example, when I am on my way to attend my duties in this Assembly, if I am arrested on a civil warrant and I am taken to the Court, I would then assert my rights before the Court that I am illegally arrested, because I was privileged and I was on my way to attend my duties in the Legislative Assembly. Granted. That is certainly a matter which can only be decided by a Court, because this is a question of interpreting and construing a Statute and deciding accordingly. But that is not the privilege we are talking of. The issue before the House is this. A Member of this House, Sarat Chandra Bose, was arrested in January, 1932. The Honourable Member will correct me if I am wrong, because that is my information on the subject.

The Honourable Sir Nripendra Sircar: That is almost right—it was in February, 1932.

Mr. M. A. Jinnah: That was in February, 1932, and we are now in January, 1935. He was arrested under what? Under a Regulation. I think I am justified in saying that he has challenged the Government to put him on his trial. The Government have refused it. (*Cries of "Shame", "Shame"*). Very well. His constituency, duly formed under a Statute, have elected him. He is a fully qualified Member of this House and entitled to come here and exercise his rights as a Member of this House. But I am not going to argue for a single moment that, because he has received a summons from His Excellency the Governor General, therefore, there being two contradictory orders—one order signed by His Excellency the Governor General in Council detaining him in prison, and another order summoning him to come here—I am not going to argue that, therefore,

any Court of law would be justified in deciding that the previous order was cancelled, and, therefore, this is beside the point. That is not the point. The point I submit before the House is this. Are the Government justified in detaining this man from February, 1932, up to the present moment, and, particularly, in preventing him from performing his duties as a Member of this House without putting him on his trial? What is the justification? What is the explanation? And that was precisely the question that was raised in 1927 with regard to one of the Honourable Members who was detained under similar circumstances. The question was fully debated. It has had nothing to do with the privileges of a Parliament. This House is not a Parliament. It is absurd to refer me to the Parliamentary practice and read to me those great authorities; I have read them; they are, however, totally inapplicable to this House. Is this House a Parliamentary Legislature? If that was so, Sir, that is to say, if it was a sovereign Legislature, and if the Government were to thwart the will of the Members of this House, why, Government would not remain in office there for twenty-four hours! (Applause.) You would not be sitting there. What is the good of reciting to me those things and comparing chalk with cheese. Therefore, let us come to the real thing. The real thing is this. I want the Government to tell me how do they justify the detention of this Member for one single day more, and are they prepared to put him upon his trial. We, Sir, discussed this very question in 1927. The Honourable the Home Member, Sir Alexander Muddiman, took up a somewhat similar attitude as the Leader of the House has taken today. He tried in a very dexterous manner to make out that the privilege does not exist. I assume for a moment that the privilege does not exist. Have we not got the right to examine the conduct of this Government, and have we not got the right to say that "your conduct is such that we have no other option but to pass a vote of censure"? Either you explain to us and justify why you are doing this, or else we pass a vote of censure. Sir, this question of privilege was discussed and was made the subject of a very careful and long inquiry by the Muddiman Committee. If you read the Report of the Muddiman Committee, you will find they have laid down that in no event the privileges of the House or the privileges of the Members of the House should be more than those of the House of Commons. But that recommendation remains only in the Muddiman Report. The Honourable the Home Member speaking in the debate said this after he had quoted the recommendation of the Muddiman Committee:

"I pause there to comment, because that is a very important restriction to which 5 P.M. I shall refer later.

"Eventually no doubt similar provision will be made in the constitution of British India. But we are of opinion that at present such action would be premature."

At the same time they go on to say that they feel that sufficient protection has not been given to the Members and they make certain recommendations. In connection with those recommendations I may remind this House that last year this House and the other Chamber unanimously passed an Act to confer certain exemptions on Members of legislative bodies. That is, they did go some way towards conferring privileges and therefore they recognised that those privileges did not exist. My statement of the case would be inadequate if I did not point out that under the Government of India Act certain privileges do arise, but they do not arise in connection with the subject matter of this discussion."

Then, he said that no privilege exists. Therefore, we enter a vicious circle. The privilege does not exist. The Government have got

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power under the Regulation to detain any man by executive order indefinitely and without a trial, and, therefore, he cannot attend to his duties—private, public or the duties of this House. Therefore, this House has got no voice and the individual in question no remedy and everything is out of order and the Government can do what they please and it is all perfectly right. Sir, it is an impossible position. I say, therefore, that we have a right to censure the Government for their conduct; we feel that their conduct deserves our disapprobation and I appeal to every Member of this House to pass this motion without hesitation, because, speaking for myself, personally, I cannot subscribe to any law which takes away the life or the liberty of any citizen without trial, more especially which takes away the liberty of a Member of this House. It was said that the law exists; that Regulation of 1818 exists. Did the Parliament of India pass that Regulation? Had the Regulation of 1818 the sanction of this House or any other Legislature behind it? Sir, I do ask the Government not to go round and round in this vicious circle and draw a sort of a red herring across the path of this House. You should meet us fairly and squarely and we will appreciate it and understand it. I appeal to the Government most earnestly that it is really a most untenable position that you should detain a man—I am not saying that he is innocent or he is guilty—and arrest him not as a matter of emergency, but continue to detain him for nearly over three years, and when we ask you—and, of course, Mr. Bose has also asked for this—to put him on trial, what is your answer? If you say no, then I am compelled to pass a vote of censure on you.

Several Honourable Members: I move that the question be now put.

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. Chairman, I must acknowledge that I was rather disappointed with the speeches of my Honourable friends from the Congress Party and at one time it did look as if this debate was going to meet with a very sudden end. Sir, I am quite prepared to admit—I think my Honourable friend, Mr. Jinnah, has admitted it—that there is no question of personal privileges. We know that and we admit that it is no use arguing that there is a case of personal privileges. There is none.

Mr. M. A. Jinnah: But the point is that it has never been defined.

Sir Cowasjee Jehangir: The Leader of the House has told us that there are privileges of more than one kind.

The Honourable Sir Henry Craik (Home Member): Not with reference to this motion, where the words used are "the privilege of this House".

Sir Cowasjee Jehangir: I admit that the motion is badly worded. But remember there was a debate of a similar character in this Honourable House when the Mover, the late Pandit Motilal Nehru, put the case very differently to the way it was put today and, if I may say so with great respect to my Honourable friend who moved it, in a very different manner. Now, Mr. Chairman, we cannot compare the privileges of a Member of the House of Commons with the privileges of a Member of this House. There are certain privileges which we have got. You will see what was recommended by the Muddiman Committee as to what

additional privileges the Members of this House should get. But I admit that even if the recommendations of that Committee had been carried out, this case would not have fallen within the four corners of the regulations that might have been framed. Sir, the whole point can be put in a nutshell. Here is a man who has been imprisoned under a Regulation which is dated 1818. (Interruption.) I have no desire to make his position worse than it is. You may say that he is 'detained' in great luxury if you so please; but, although he was detained under Regulation III of 1818, he was allowed to stand for election. If he had been convicted to a year's imprisonment, he would have been a free man today and might not have been allowed to stand for election under the present law. But he has been detained for nearly three years and still under our present law he is allowed to stand and he conforms to all your rules and regulations.

He gives his deposit of Rs. 500 which can only be returned to him when he takes the oath of allegiance which he was not allowed to do. Under these circumstances, this amount of Rs. 500 will never be returned to him. Sir, I am going to ask the Honourable the Home Member a simple question. Under your rules and regulations I will get back my Rs. 500 or I must have got it back already because I took the oath yesterday. But this unfortunate Mr. Bose has been prevented from taking his oath and the Home Member of the Government of Bengal or whoever it is, has got his Rs. 500. Are they going to pay interest on it? What are they going to do with that amount? Are there any regulations framed by the Home Member for that or is the Home Member going to divide the amount amongst ourselves? Here is an anomaly, here is a case that requires attention. Now, he was detained without trial. There may have been very good reasons for having detained him, and there may still be very good reasons for detaining him. I am not going to express any opinion one way or the other. But surely when he becomes a Member of this Honourable House we have a right to be satisfied that the reasons for his detention are of such a substantial character and that his detention shall continue. How is the Government going to satisfy us? Now, we are also a party to this detention (hear, hear). Before he was elected and before this Assembly met, it was Government alone. We now become a party to his detention, he being a Member of this House. If he has been allowed to stand and if he becomes a Member, then surely the Government must satisfy us and give us a satisfactory explanation that his detention is on reasonable grounds and that even there is a reasonable suspicion of his being a dangerous character. Not a single Member of Government has risen up to now to give that explanation. If Government would only convince me that Mr. Bose without a trial is still deserving of detention in the interests of this country, in the interests of law and order and what is still more, in the interests of the lives of the people of Bengal, I will be ready, so far as I am personally concerned, to allow Mr. Bose to continue under detention. But if the Government is not prepared to convince me and to bring before us facts and figures to show that their action is justifiable, then I shall demand his release or his trial. It is no use continuing to discuss this question of privilege. There is no such privilege. I ask from the Government an explanation for his detention, the reasons for his detention, or demand his release. Or, if I may, I will make another suggestion to Government. I understand that in such cases papers are generally placed before two Judges before the detention of any man continues much longer. Will Government be

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prepared to take into their confidence two or three Honourable Members of this House? We have got amongst us very eminent lawyers, lawyers who could have been on the High Court Bench of any Province with credit to the High Court and honour to themselves. Will Government be prepared to take two or three Members of this Honourable House into their confidence and place before them all the papers relating to Mr. Bose and let them advise us as to whether this man, Mr. Bose, should continue to remain in detention.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order. I must draw the Honourable Member's attention to the remarks I made before this debate opened, that is, Honourable Members must confine their speeches to the specific question that is contained in this motion for adjournment, namely, the conduct of the Government as concerned with the privileges of this House and in particular one of its elected Members.

Sir Cowasjee Jehangir: I have already dealt with that point and have already stated very clearly that this question of privilege does not arise. I know that, but still there is a much more important factor, one of much greater importance to this country and to the Government and to the interests of Government.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I am sorry again to interrupt the Honourable Member. I must draw his attention to the fact that since he has dealt with the question of privilege and since he has frankly admitted that no such privilege exists, what is he now censuring the Government for?

Sir Cowasjee Jehangir: I will tell you why we should consider further the question of censuring the Government. It is for preventing an Honourable Member who has been elected from being present in this House and that issue is in order. It is through the action of the Government that this man is not able to come and take the oath. It is through the action of the Government that his Rs. 500 has not been returned. I want an explanation as to how long the Rs. 500 will be detained by Government when the deposits of all others have been returned. I want to know what the Government is going to do with this Rs. 500. I want to know when this man is going to be allowed to come to this House and take part in the business of this House. It will facilitate the matter if Government will undertake to take two or three Members of this House into their confidence and in that case perhaps my Honourable friends will reconsider the whole position.

Some Honourable Members: No, no.

Sir Cowasjee Jehangir: I think it will be in the interests of Government to lay all their cards on the table and to be perfectly frank in this matter. I would remind the Government that in a very short time, at least in the Provinces, Honourable Members who sit on this side of the House may be Home Members and will deal with these and similar papers before they come to the Government of India. I submit, Mr. Chairman, that trust begets trust and if they will set the example of trust at least with some

of the Honourable Members on this side of the House, it will repay them a hundredfold more than merely giving explanations in a half-hearted manner which nobody can understand in this House and which sometimes are not meant to be understood. I would, therefore, make an earnest appeal in the very beginning of our work and labour in this Honourable House when we have the pleasure of having some of the strongest opponents of Government on these Benches to be as conciliatory as they possibly can, to meet us half way, if not the whole way. I feel confident that if Government will act in this spirit, our work will not only be successful, but will result in the greatest benefits to the country and to all of us. I have no desire to censure the Government. But I will censure them if necessary. I will have no hesitation in doing that. I would appeal to them that this is a good opportunity of holding out their right hand of friendship and to prove that after all the Government have as good a heart and as solid a heart as any man in India. (*An Honourable Member*: "They have none".) If they will only show us, if they will only prove to us that the detention of this man is necessary in the interests of India herself, I, for one, will be quite prepared to allow him to be still detained. Unless they prove that, as he happens to be a Member of this Assembly, I will be reluctantly compelled to walk into the lobby with my Honourable friends on this side. (Applause.)

The Honourable Sir Henry Craik (Home Member): Sir, while I am glad that this debate has for the most part, not altogether, but for the most part, remained on the higher level as directed in your ruling from the Chair, I cannot feel that I can conscientiously congratulate the Congress Party on its logic or on the way it has presented its case. The motion purports to adjourn the House, that is to censure the Government, on the ground that it has gravely infringed the privileges of this House. The first two speakers in spite of repeating each other's arguments entirely failed to show that there are any such privileges or that they have been infringed. My Honourable friend, the Leader of the House, seemed to me, though I am a layman and he is a lawyer, to have completely demolished the theory that there has ever been, in fact, any privilege and therefore that there could have been any breach of that privilege. Thereupon the Honourable the Leader of the Opposition, having been shown, I presume, to his own satisfaction, that there was no question of a privilege of this House which is the only thing referred to in the motion, fell back on a vague expression which,—I took down his words,—he called "an implicit privilege inherent in the position" to which the gentleman in question has been elected. That is a very vague term and I think the Honourable Member as a lawyer will agree with me that it does not connote any legal entity at all, and it is not certainly what is referred to in the motion before the House. The Congress speakers were, it seemed to me, floundering in a hopeless morass of illogicality, when who should come to their rescue? Who should be the fairy queen who comes and holds out the helping hand? My Honourable friend, the Member from Bombay. With one hand he pulls the Congress out of the bog, with the other he extracts from his pocket a magnificent specimen of the red herring which he draws across the trail and he attacks Government, not for doing anything that infringed the privileges of this House, which he admits do not exist, but for not repealing this obnoxious law, the Regulation of 1818.

Mr. M. A. Jinnah: That is not correct. I never suggested that this Act should be repealed. I said, the Act is there; you have used the Act, but you are using it in such a manner that I am entitled to pass a vote of censure on your conduct.

The Honourable Sir Henry Craik: I am sorry; the last thing I wanted was to misinterpret the Honourable Member and I will certainly accept his own words. His red herring was not the repeal of the Act but the way in which Government had used the Act. Well, Sir, on a suitable occasion, I am perfectly prepared to justify the use, the very sparing use, that Government have made of this Regulation. I should be guilty of anticipation if I did so now. We have on the notice paper motions for the repeal of this Regulation; we have in fact a Bill for the repeal of this Regulation itself on the notice paper, and so even if time permitted I should be guilty, as I said, of anticipation if I took that ground now. My Honourable friend was assisted by the Honourable Baronet from Bombay. He drew out of his pocket not another equally magnificent specimen of a red herring but what I may only describe as a somewhat small sardine. The five hundred rupees deposit about which he showed such anxiety and which he seems to think I have in my pocket. Now, Sir, he has misquoted the rule about the return of a Member's deposit. He says it can only be returned to him when he takes the oath. If he had read the rule, he would find that there are two sets of contingencies in which the five hundred rupees can be returned to the Member who has deposited it. The first is, after he has taken the oath or affirmation; the second is:

"In pursuance of a direction by the Governor General in Council for the return of the deposit despite the fact that the said oath or affirmation has not been taken."

Let me assure the Honourable Baronet that I will make it my business to advise the Governor General in Council to make an order for the return of that five hundred rupees. I hope my Honourable friend's anxieties on that account will now be assuaged.

Now, Sir, I have been asked to justify the action of Government in detaining Mr. Sarat Chandra Bose. At the proper time I am perfectly prepared to justify that up to the hilt. This, Sir, is not the proper time and under your ruling this debate is not to stray on to that ground. If it did, I for one would not regret it because I believe I can make out a perfectly good case. I have no doubt whatever that some time in the course of this Session an opportunity for debating the justification for his detention will arise and, as I say, at the proper time I shall be only too glad to meet that case and I shall be perfectly frank and lay the material before the House. But at present, Sir, as I am sure you will be the first to agree, I should be infringing your ruling if I took that line and I shall be throwing into the middle of this comparatively harmonious debate an apple of discord almost as large as my Honourable friend's red herring.

Sir Cowasjee Jehangir: That is a very easy way of getting out of it.

The Honourable Sir Henry Craik: If the Chair will allow me, I have got the material here and I will do it now. But I could not do it in 15 minutes.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): It is the Chair's order that no such extraneous matter should be discussed on this motion and the Honourable the Home Member is quite in order.

Mr. M. A. Jinnah: In that case the motion ought never to have been admitted.

Sir Cowasjee Jehangir: If there was no privilege why was it admitted?

Mr. M. A. Jinnah: Now it is sought to be made out that there is no question of privilege. And that is why I asked that question in the morning. If you had said to me that the word "privilege" is used in the technical sense according to the Parliamentary practice, I would have at once said that there is nothing to discuss.

Sir Cowasjee Jehangir: Let us discuss it.

The Honourable Sir Henry Craik: It is not a thing that can be discussed in the half hour that remains.

Mr. M. A. Jinnah: I can assure the Honourable the Home Member that unless he justifies the Government position I shall be bound to vote against him.

The Honourable Sir Henry Craik: Although the Honourable Member will vote against Government for having infringed the privileges of this House.

Mr. M. A. Jinnah: No.

The Honourable Sir Henry Craik: That is the motion before the House.

Mr. M. A. Jinnah: I do not agree; it is the conduct of Government.

The Honourable Sir Henry Craik: I am afraid that even at the risk of losing the Honourable Member's vote.

Sir Cowasjee Jehangir: Is the Honourable Member ready just now to give the explanation?

The Honourable Sir Henry Craik: I am perfectly ready now if time permits, but I cannot do it in the five minutes that remain for me.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order. That would introduce a matter so controversial and so lengthy that it would occupy more time than we have left at our disposal that I cannot allow it. Moreover, it could be moved at a subsequent date by means of a Resolution. I, therefore, maintain that the Chair's order must be observed that all speeches be confined to the question of privileges.

The Honourable Sir Henry Craik: That has been your ruling, Sir, from the very beginning and I for one will obey it. I will give my vote on the merits of the motion before the House which, as I have said, is that the privileges of the House have been infringed. As I have been convinced that there are no privileges and there has been no infringement, I shall have to vote against this motion. My Honourable friends opposite will apparently vote against something which is not the motion before the House.

[Sir Henry Craik.]

There was one point taken by the Honourable Baronet from Bombay. He said that the rules made ineligible to stand as a candidate any man who has been convicted and sentenced to more than one year's imprisonment. But any other man has a right to stand as a candidate and his nomination papers having been accepted and he having been elected, Government are infringing his personal rights or his inherent rights or something like that, whatever they may be, in preventing him from attending the House. I understand that that was the Honourable Member's position. If that be so, I would ask him to consider the case of a man undergoing a sentence of less than one year—say ten months—is perfectly eligible to stand: his nomination paper may have been accepted: it could not be refused: would the Honourable Member claim that he must be released from jail in order to attend his parliamentary duties?

Sir Cowasjee Jehangir: Certainly not: that would not be the law: that would infringe your rules.

The Honourable Sir Henry Craik: Quite so: but then you claim because the man is imprisoned and because he is eligible that he must be let out.

Sir Muhammad Yakub: The Honourable Member should address the Chair.

Sir Cowasjee Jehangir: May I point out what I said? I said it is a question

Mr. S. Satyamurti: On a point of order: this is becoming a conversation between the Honourable the Home Member and the Honourable Member from Bombay: I respectfully submit that the Chair should be addressed.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Order, order; will the Honourable Baronet from Bombay address the Chair?

Sir Cowasjee Jehangir: Yes: what I meant to say was that it is inconsistent to have a rule which debar a man who has been convicted for a year and has paid the penalty of the law from standing for this Assembly and to allow a man who has been detained for three years under a Regulation from standing. I say it is an inconsistency which Government ought to explain.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): Is this a speech or is it a question?

Sir Cowasjee Jehangir: I was explaining what I meant to the Honourable the Home Member.

The Honourable Sir Henry Craik: I quite admit that there is an anomaly in the rules, and if it offends my Honourable friend's sense of unity, I will see whether it is not possible to get the rule in that particular respect amended.

Sir, I really have nothing more to say. I have shown, I think conclusively, that this motion rests on a foundation of sand. It seeks to censure the Government for seriously infringing the privileges of this House, and has been shown by the Honourable the Leader of the House that there is no such privilege: it was shown conclusively eight years ago by my predecessor that there was no such privilege and where there is no privilege there can be no infringement. I have no doubt that the Opposition will vote as one man in favour of this resolution and it is quite possible that they will be successful; but though the victory may be theirs in the division lobby, I think no impartial person who has listened to the debate can deny that the victory in the debate will unquestionably have been ours.

Mr. S. Satyamurti: Sir, I move that the question be now put.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is that the question be now put.

The motion was adopted.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The question is:

That the House do now adjourn.

The Assembly divided:

AYES—58.

Aaron, Mr. Samaci.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Anandhasayanam.
Bajaria, Babu Baijnath.
Banerjee, Dr. P. N.
Bardoloi, Srijut N. C.
Bhagavan Das, Dr.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachalam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. B. J.
Fakir Chand, Mr.
Fazlul Huq, Mr. A. K.
Gadgil, Mr. N. V.
Gandhi, Mr. K. L.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hidayatullah, Sir Ghulam Hussain.
Hesmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Khan Sahib, Dr.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navarai, Mr.
Maitra, Pandit Lakshmi Kanta.

Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Mathuranga.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—54.

Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Baipai, Mr. G. S.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Drake, Mr. D. H. C.
 Fazl-i-Haq Piracha, Khan Sahib
 Shaikh.
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Ghiasuddin, Mr. M.
 Ghuznavi, Mr. A. H.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hockenhull, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Kirpalani, Mr. Hiranand Khushiram.

Lal Chand, Captain Rao Bahadur
 Chaudhri.
 Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Mukharji, Mr. N. R.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Raisman, Mr. A. J.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan, Captain
 Sardar.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Singh, Mr. Pradyumna Prashad.
 Sircar, The Honourable Sir
 Nripendra.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th January, 1935.

LEGISLATIVE ASSEMBLY.

Thursday, 24th January, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) in the Chair.

MEMBERS SWORN.

Dr. G. V. Deshmukh, M.L.A. (Bombay City: Non-Muham-
 madan Urban);
 Sir Darcy Lindsay, Kt., C.B.E., M.L.A. (Bengal: European);
 Raja Bahadur Harihar Prosad Narayan Sinha, M.L.A. (Bihar and
 Orissa: Landholders); and
 Mr. Madhao Shrihari Aney, M.L.A. (Berar Representative).

MOTIONS FOR ADJOURNMENT.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I may inform Honourable Members that I have received notices of motions for adjournment of the business of the House from Mr. B. Das and Mr. Akhil Chandra Datta. Honourable Members are already aware that His Excellency the Governor General will address the Assembly today at 3 o'clock, and it is not known how long the address will take. Moreover, as Honourable Members will readily realise, it will be necessary for the furniture of this House to be re-arranged suitably for the occasion. There will thus be no time, in the opinion of the Chair, today to take up these important matters. In the circumstances, the Chair suggests that these motions may be taken up on Monday, the 28th instant, and, in that case, the Chair will waive the question of urgency, but reserves to itself the right of considering each motion on its merits as to whether it is otherwise in order or not. (After a pause.) The Chair takes it that the House has no objection to the suggestion it has just made.

AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF INDIA.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I lay on the table a copy of the Agreement between His Majesty's Government in the United Kingdom and the Government of India.

PREAMBLE.

His Majesty's Government in the United Kingdom and the Government of India hereby agree that, during the continuance of the Ottawa Trade Agreement, the following undertakings on the part of His Majesty's Government in the United Kingdom and of the Government of India shall be deemed to be supplementary to that Agreement, namely:—

ARTICLE 1.

It is recognised by His Majesty's Government in the United Kingdom and the Government of India that while protection to an Indian industry against imports of whatever origin may be necessary in the interests of the economic well-being of India, the conditions within industries in India, in the United Kingdom and in foreign countries may be such that an Indian industry requires a higher level of protection against foreign goods than against imports of United Kingdom origin.

ARTICLE 2.

It is recognised by His Majesty's Government in the United Kingdom that, under existing conditions, import duties constitute an indispensable element in the revenues of the Government of India, and that revenue considerations must be given due weight in fixing levels of import duties.

ARTICLE 3.

1. The Government of India undertake that protection will be afforded to such industries only as after due enquiries by the Tariff Board have, in the opinion of the Government of India, established claims thereto in accordance with the policy of discriminating protection laid down in the resolution adopted by the Legislative Assembly on 16th February, 1923, provided that this undertaking shall not apply to safeguarding of industries under the Safeguarding Act of 1933.

2. The Government of India further undertake that the measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices for similar goods produced in India, and that, wherever possible having regard to the provisions of this Article, lower rates of duty will be imposed on goods of United Kingdom origin.

3. The differential margins of duty established in accordance with the principles laid down in the preceding clauses of this Article as between United Kingdom goods on the one hand and foreign goods on the other, shall not be altered to the detriment of United Kingdom goods.

4. The undertakings contained in this Article shall not prejudice the right of the Government of India in cases in which they find it essential, in the interests of the revenue, to impose an overriding revenue duty on imported goods higher than the protective duty required.

ARTICLE 4.

When the question of the grant of substantive protection to an Indian industry is referred for enquiry to a Tariff Board the Government of India will afford full opportunity to any industry concerned in the United Kingdom

to state its case and to answer the cases presented by the other interested parties. The Government of India further undertake that, in the event of any radical changes in the conditions affecting protected industries during the currency of the period of protection, they will, on the request of His Majesty's Government or of their own motion, cause an enquiry to be made as to the appropriateness of the existing duties from the point of view of the principles laid down in Article 3, and that, in the course of such enquiry, full consideration will be given to any representations which may be put forward by any interested industry in the United Kingdom.

ARTICLE 5.

His Majesty's Government in the United Kingdom will give consideration to the steps that might be taken in co-operation with the respective commercial interests to develop the import from India of raw or semi-manufactured materials used in the manufacture of articles of a class which, on importation into India, are subject to differential protective duties. In particular they invite the Government of India to take note of the steps that have already been taken in the United Kingdom in pursuance of Article 8 of the Ottawa Agreement with a view to the widening of the area of consumption of Indian cotton; and they undertake to continue to use all possible efforts in co-operation with commercial interests to stimulate the consumption of Indian cotton in all possible ways, including technical research, commercial investigation, market liaison, and industrial propaganda.

ARTICLE 6.

His Majesty's Government in the United Kingdom undertake that, in accordance with the principles of the foregoing Article, the privilege of duty-free entry of Indian pig iron into the United Kingdom will be continued so long as the duties applicable to articles of iron and steel imported into India are not less favourable to the United Kingdom than those provided for in the Iron and Steel Protection Act, 1934, without prejudice, however, to the provisions of sub-sections 3 (4) and 3 (5) of the Indian Tariff Act, 1894, as amended by section 2 of the Iron and Steel Duties Act, 1934.

ARTICLE 7.

His Majesty's Government in the United Kingdom and the Government of India undertake that, in all matters relating to this Agreement, they shall at all times receive and consider any conclusions, agreements or reports which may be framed as the result of conferences between the accredited representatives of industries concerned in the United Kingdom and in India.

Signed on behalf of His Majesty's
Government in the United Kingdom.

WALTER RUNCIMAN.

Signed on behalf of the Government of India.

B. N. MITRA.

The 9th January, 1935.

EXCHANGE OF NOTES.

No. 1.

Sir,

I am authorised to undertake on behalf of His Majesty's Government in the United Kingdom that if at any time any further or other special steps are taken by the Colonies and Protectorates to facilitate the sale of United Kingdom cotton goods in competition with foreign cotton goods, they will invite the Governments of the Colonies and Protectorates to accord as favourable treatment to Indian cotton goods of any description as may be proposed for similar United Kingdom cotton goods.

The above undertaking shall remain in force so long as the Agreement of 28th October, 1933, between the Lancashire Delegation and the Mill-owners' Association, Bombay, or any subsequent Agreement which may be concluded between the cotton textile industries of the two countries remains in force.

I have the honour to be,

Sir,

Your obedient servant,

WALTER RUNCIMAN.

The 9th January, 1935.

Sir B. N. Mitra, K.C.S.I., K.C.I.E., C.B.E.

No. 2.

Sir,

I have the honour to acknowledge receipt of your letter No. 1 of today's date.

I am authorised to undertake on behalf of the Government of India that as soon as the second surcharge comes off as a general measure, the tariff rates on United Kingdom cotton piece goods will be reduced to 20 per cent. *ad valorem* or 3½ annas per pound on plain grey goods, and 20 per cent. *ad valorem* on other goods, provided that on expiry of the period of the agreement of 28th October, 1933, between the Lancashire Delegation and the Millowners' Association, Bombay, the duties on United Kingdom goods for the remaining period of protection will be fixed on a review of conditions then existing and in the light of such experience as may have been gained. By reference to the second surcharge coming off as a general measure is meant the removal of the surcharge on a reasonably large proportion of, not necessarily all, the items now subject to it.

I have the honour to be,

Sir,

Your obedient servant,

B. N. MITRA,

The 9th January, 1935.

Rt. Hon. W. Runciman, M.P.

No. 3.

Sir,

I have the honour to acknowledge the receipt of your letter (No. 2) of today's date.

I have the honour to be,

Sir,

Your obedient servant,

WALTER RUNCIMAN,

The 9th January, 1935.

Sir B. N. Mitra, K.C.S.I., K.C.I.E., C.B.E.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (b) of starred question No. 276 asked by Mr. Bhuput Singh on the 30th July, 1934.

EXCISE DUTY COLLECTED ON SUGAR.

Amount of excise duty collected on sugar since its imposition till the end of June, 1934... Rs. 6,22,745.

Information promised in reply to parts (c) to (j) of starred question No. 602, asked by Khan Bahadur Haji Wajihuddin on the 14th August, 1934.

NEUTRAL CONTROL SECTION OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

(c) Yes.

(d) The staff of the Neutral Control Section have been recruited from State and Company-managed Railways and from the open market.

(e) and (f). No. Reductions in the Neutral Control establishment have taken place on only two occasions since its first organization. During this period 28 men have been retrenched and 18 demoted.

(g) The employees transferred from the Railways to the Neutral Control Section do not retain liens on their previous appointments on the railways. It is, therefore, not possible to transfer any of them back to a railway.

(h) The staff concerned were transferred from railways to the Neutral Control Section when retrenchment was going on and if they had not accepted appointments under the Neutral Control Section they would probably have been retrenched.

(i) Retrenchment or demotion in the Neutral Control Section is carried out on the same general principles as have been adopted by the larger railways.

(j) Government are informed that seniority in the Neutral Control Section is determined by the length of service in a particular class.

Information promised in reply to unstarred question No. 89, asked by Pandit Satyendra Nath Sen, on the 20th August, 1934.

ANGLO-INDIAN SHED APPRENTICES ON THE EAST INDIAN RAILWAY.

(a) This is approximately correct. The exact numbers are 41 shed apprentices and eight apprentice train examiners.

(b) No.

(c), (d) and (e). Government understand that there were four apprentice train examiners on the Howrah Division but on the re-arrangement of the rolling stock staff they were discharged on and from the 4th April, 1934. They were subsequently absorbed as skilled labourers in the electric branch of the rolling stock section on the 9th May, 1934. Three of them were later on absorbed as train examiners on the 27th July, 1934, and the fourth was, at his own request, absorbed in the vacancy of a ticket collector on the 9th July, 1934.

(f) No, as there are no vacancies.

(g) The six shop-trained ex-apprentices, referred to by the Honourable Member, were appointed in the Howrah Division for reasons given by Sir Alan Parsons in reply to question No. 631 (c) asked by Mr. Bhuput Singh in the Legislative Assembly on the 4th March, 1932.

(h) Yes. It does not, however, preclude appointments being made from other sources, if necessary.

(i) The Agent reports: "The shop apprentices do a course of five years as against three years done by apprentice train examiners and they receive a far superior training as compared with the latter both in theory and practice. There were about thirty-six such men on the waiting list from which six were selected so as to have suitable men available in time to come to fill vacancies in the higher grade of train examiners and to hold charge of stations as head train examiners. It is for this reason and also on account of Sir Alan Parsons' assurance given in the Legislative Assembly as quoted in answer to part (g) above that the shop-trained apprentices were appointed".

Information promised in reply to starred questions Nos. 910 and 911 asked by Khan Sahib Shaikh Fazl-i-Haq Piracha on the 30th August, 1934.

EMPLOYMENT OF MUSLIMS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB, NORTH-WEST FRONTIER AND DELHI PROVINCES.

910. (a) A statement is given below showing the number of Muslim gazetted officers in the Income-tax Department, Punjab, North West Frontier and Delhi Provinces, on 1st January, 1927 and 1st January, 1934:

	Total No. of officers.	No. of Muslims.	Percentage.
1st January 1927.	38	6	15.8
1st January 1934	52	14	27

(b) Yes—except that there are 48 gazetted posts and not 38.

(c) Since the beginning of 1933, three Assistant Income-tax Officers have been promoted by seniority to the posts of Income-tax Officers and of these one is a Muslim.

(d), (e) and (f). The attention of the Honourable Member is invited to the recent orders of the Government of India published in the Gazette of India, dated the 7th July, 1934, which will govern such appointments in future.

PROMOTIONS IN THE INCOME-TAX DEPARTMENT IN THE PUNJAB NORTH-WEST FRONTIER AND DELHI PROVINCES.

911. (a) No.

(b) There is no qualification by examination for appointment to gazetted ranks. Certain non-gazetted officials are allowed to sit for the departmental examination prescribed for Officers, but this carries no promotion condition.

The concluding part of the question does not arise.

(c) and (d). Do not arise.

Information promised in reply to starred question No. 913, asked by Mr. B. V. Jadhav on the 30th August, 1934.

LOCATION OF THE INCOME-TAX OFFICE AT SHOLAPUR.

(a) The Income-tax Office, Sholapur, is situated about a mile from the main Bazar of the city but is within the city limits.

(b) There is no conveyance stand at present, but the Superintendent of Police has promised to provide one in the near future.

(c) Not in all cases.

(d) No.

(e) Rs. 100 per mensem.

(f) Yes.

(g) Yes.

(h) In all, eight premises were seen and the present one, being the most suitable and convenient, was selected.

Information promised in reply to unstarred question No. 110, asked by Goswami M. R. Puri, on the 30th August, 1934.

LICENCE FOR COUNTRY WINE RETAIL-SALE AND WHOLE-SALE BOTTLING IN THE PUNJAB AND DELHI.

(a) No, except in Simla and Sultanpur (Kulu) towns. The restriction was imposed because of malpractices found to result in the Punjab from a combination of the two classes of licenses.

(b) The Financial Commissioner, Punjab, supplied to the Chief Commissioner, Delhi, a copy of his instructions to the Deputy Commissioners in the Punjab for the disposal of excise shops in their districts, which also embodied the proposal mentioned, but he did not suggest that it should be followed in Delhi.

(c) The instructions were forwarded to the Deputy Commissioner for suggestions for conducting the auction of excise licenses in Delhi.

(d) and (f). The proposal was duly considered but, as the conditions obtaining in Delhi differed from those in the Punjab, it was decided not to prohibit the grant of a retail license and a wholesale license to one and the same person. Such a step would have caused an unnecessary decrease in licence fees.

(e) Yes.

(g) No. The bottling is done under the supervision of the Excise Sub-Inspector, and no case of adulteration has been discovered.

(h) No. The retail shop licensee is not authorised to stock bottling material on the licensed premises. Moreover, adulteration can be readily detected by the use of the Hydrometer.

ELECTION OF THE PRESIDENT.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): In accordance with the provisions of rule 5-A of the Indian Legislative Rules, the House will now proceed to elect a President by ballot. In compliance with the provisions of sub-rule (3) of that rule, I have to announce to Honourable Members that three nomination papers duly filled in have been received by me on behalf of Mr. Tasadduq Ahmad Khan Sherwani, and four nomination papers duly filled in have been received on behalf of Sir Abdur Rahim.

The names of the proposers and seconders of Mr. Sherwani are as follows:

Proposers . . . { Mr. S. Satyamurti.
Pandit Govind Ballabh Pant.
Mr. Asaf Ali.

Seconders . . . { Mr. N. V. Gadgil.
Mr. Asaf Ali.
Munshi Iswar Saran.

The names of the proposers and seconders of Sir Abdur Rahim are as follows:

Proposers . . . { Dr. F. X. DeSouza.
Maulvi Muhammad Shafi Daudi.
Mr. K. L. Gauba.
Sir Cowasji Jehangir.

Seconders . . . { Nawab Sahibzada Sir Sayad Muhammad Mehr Shah.
Syed Ghulam Bhik Nairang.
Mr. D. K. Lahiri Chaudhury.
Dr. Ziauddin Ahmad.

Honourable Members will now come up to the table and receive the ballot papers from the Secretary in the order in which I call out their names, and in order better to preserve the secrecy of the ballot, I would invite Honourable Members, on taking the ballot paper, to come into the room behind the Chair, where a table is provided for them, and after recording their votes to hand the ballot papers to the Secretary at the table.

(The ballot was then taken.)

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): The result of the voting is that Mr. T. A. K. Sherwani has secured 62 votes and Sir Abdur Rahim has secured 70 votes, and one vote for Sir Abdur Rahim I have declared invalid. I, therefore, declare Sir Abdur Rahim to be duly

elected by the Legislative Assembly as its President. (Loud and Prolonged Applause.) All that is necessary now is to secure the approval of His Excellency the Governor General required by sub-section (1) of section 63C of the Government of India Act. In order that the requisite approval may be obtained and communicated to the House before His Excellency addresses this House this afternoon, the House will re-assemble at ten minutes to one of the Clock today, until which time the House stands adjourned.

The Assembly then adjourned till Ten Minutes to One of the Clock.

The Assembly re-assembled at Ten Minutes to One of the Clock, **Mr. Chairman** (Lieut.-Colonel Sir Henry Gidney) in the Chair.

Mr. Chairman (Lieut.-Colonel Sir Henry Gidney): I have received a Message from His Excellency the Viceroy and Governor General, which reads as follows:

((The Assembly received the Message standing.))

"ORDER.

In pursuance of the provisions of sub-section (1) of section 63C of the Government of India Act, I, Freeman, Earl of Willingdon, hereby signify that I approve the election by the Legislative Assembly of Sir Abdur Rahim, K.C.S.I., as President of the said Assembly.

New Delhi,

The 24th January, 1935.

(Sd.) WILLINGDON,
Viceroy and Governor General."

Mr. President, the Message which I have just read out from His Excellency the Governor General now authorises you to come and occupy the Chair. Mr. President, you are no new comer to this Assembly. Your record of public service to the country is one of which anyone and any country would be proud. (Applause.) Your appointment as a Judge of the Madras High Court which lasted for a long period of twelve years has peculiarly well fitted you to occupy this important Chair. Indeed, your record has it that you frequently officiated as Chief Justice of the High Court of Madras. After that, I understand, you were appointed a member of the Public Services Commission where you rendered signal service and after that you were appointed an Executive Councillor of the Bengal Government, which appointment you held for a term of five years. To our memory, you have been with us for nearly four years as Leader of the Independent Party, in which position—I am sure I am voicing the opinion of every one in this House, if I may say so—you distinguished yourself not only as a Leader, but as one who took a very equitable and

[Mr. Chairman.]

very clear perception of all important matters that were presented to this House. With such a record, Mr. President, it needs no further words nor persuasion from me when I say I am voicing the opinion of every Honourable Member of this House, that we have no doubt in our minds that you will ever guard jealously the rights and privileges of this House and of the Chair which you are about to occupy. If the reception you will get from this House—and I am sure it will be great—is as warm as was given to me for the few days I had the honour to occupy this Chair and kept it warm for you (Loud Applause), I am sure, Mr. President, your feelings will be so permeated with a warmth of justice and equity that while you will be the friend of all in this House you will eschew all parties and will thus render to this House that great service which everyone in this country expects of you. Mr. President, I now invite you to come and occupy the Chair. (Loud and Prolonged Applause.)

[Mr. Chairman (Lieut.-Colonel Sir Henry Gidney) then vacated the Chair, which was occupied by Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I.) amidst Applause.]

The Honourable Sir Nripendra Sircar (Leader of the House): Mr. President, it is my privilege to say a few words of congratulation on your elevation to your high and responsible position as the President of this Assembly. Sir, you have filled the highest judicial and administrative offices in this country, and your political experience also has been so great and so well-known to every Member of this House that I do not feel justified in recapitulating them over again. I am sure, I am voicing the opinion of every section of this House that we have not the slightest doubt, indeed we have the greatest confidence, that the high traditions of this post will be kept up by you and that we shall have nothing but decisions from you arrived at without fear or favour—decisions which will demonstrate to everybody here that you are swayed by no other consideration than the sense of justice and fair play. Mr. President, I offer you congratulations on behalf of this side of the House. (Loud and Prolonged Applause.)

Mr. B. J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, if I am the next in order of time in tendering my congratulations to you, they are nonetheless warm and nonetheless sincere. (Applause.) So far as you, Sir, are concerned, though I have not had the advantage of personal friendship, I certainly have known you through those records which have been preserved in the recorded judgments from time to time delivered by you which have evinced a clear mind, almost a stern character and a straightforward method of looking at questions which only even-handed justice inspires, and there is one thing I wish to assure you in offering you my congratulations, namely, that I am one of those—and I hope every other Member of this House shares that feeling—who feel that there is nothing greater in life than to fight without rancour and to lose without bitterness (Loud and Prolonged Applause); and I wish to assure you that every support that personally I myself can give and also those who will otherwise support me in this will be forthcoming freely—and I do not like every time to talk of this side of the House for at all events we have had two occasions on which there is no sense except one of unanimity in the feeling of welcome to

you. (Loud and Prolonged Applause.) I hope and trust that you will occupy this Chair for the full period of its time with energy and vigour and that we shall always look to you every time not merely for justice, but, if I may add a little to it, a certain amount of consideration also for novices like myself so far as legislatures and Legislative Assemblies are concerned. (Laughter.) It is not merely with a sense of humility, but it is with a genuine sense of welcome, Sir, that I look to you and I hope and trust that every section will from now onwards look upon you as entirely above parties and entirely above sides, in fact a little above the House itself: and I hope and trust that you will adorn the Chair with that dignity, that independence and that clarity of perception of which we already have experience and which you are justly reputed to be credited with. (Loud and Prolonged Applause.)

Sir Cowasjee Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I need hardly say that the Party to which I have the honour to belong congratulates you most sincerely on your occupying this place of honour and dignity. It is superfluous for me to add any more words to our genuine and sincere congratulations. You, Mr. President, have been not only a member of our Party, but our Leader, and no one more than ourselves know your sense of justice, your honesty of purpose and, above all, your strict impartiality. You now belong to no Party, Mr. President, and we say with the greatest confidence, that you are sure to discharge your duties with honour to yourself and credit to the Chair you occupy. (Loud and Prolonged Applause.)

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Mr. President, I regret very much that accidentally I was delayed; but I entirely endorse the views and the sentiments that have been expressed by the Deputy Leader of the Independent Party. Sir, I hope that in that Chair you will hold the scales even: and I have no doubt that, with your great experience as a Judge for many years and also as Chief Justice of the Madras High Court, there will be fair play in this House so long as you preside over this Assembly. (Loud and Prolonged Applause.)

Raja Sir Vasudeva Rajah (Madras: Landholders): Mr. President, on behalf of the Party to which I have the honour to belong, I should like to associate myself and the members of my Party with the expressions of congratulations that have been made on your accession to the Presidential Chair. It is a fitting recognition, Sir, of the eminent services that you have already rendered in various spheres of life both as a Judge of the Madras High Court, as a Chief Justice, as a Member of the Executive Council, Bengal, and also as a Non-Official Member of this Assembly. You are known to everyone of us, and we know exactly what we are expecting of you and we have no hesitation in thinking that you will add further lustre and laurels to the office which you have now been called upon to occupy. I wish you every success in your office. (Loud and Prolonged Applause.)

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, we on this side of the House extend to you our sincere congratulations on your election to the Chair. We feel that you are well qualified by your legal, judicial and administrative experience and also by your familiarity with the practice, procedure and precedents of this

[Mr. A. H. Ghuznavi.]

House to discharge the responsible duties of the high office on which you are entering today. Sir, speaking for myself, it is gratifying to find that for the first time in the history of this Assembly a Bengalee has come to occupy the Chair (*A Voice from the Congress Party Benches*: "An Indian."), and it is all the more pleasing to me that he is a Muslim. (*Cries from the Congress Party Benches*: "Oh!") (*Sir Muhammad Yakub*: "No communalism"). From today you belong to no Party ("Hear, hear from Congress Party Benches), and we have no doubt that you will guide the deliberations of this Assembly and maintain and uphold its traditions, rights, privileges and dignities with impartiality.

Sir Leslie Hudson (Bombay: European): Mr. President, it gives me very great pleasure to voice on behalf of myself and of the Honourable Members of the European Group sitting behind me our sincere congratulations on your being elected to the Honourable Chair of this House. It is perhaps a little unfortunate, Sir, that in respect of these speeches of congratulations—and on other occasions in respect of speeches from the Leaders of the various Groups—I come at the end of the line, and, therefore, I find myself a little "cribbed, cabined and confined" in the matter of language. But, believe me, those encomiums which have been passed on you by the other Honourable Members who have spoken before me are fully endorsed by myself. We know your qualities of head and heart; we know the long Parliamentary experience you have had and also your wide judicial experience. We are quite sure that the rights of every Honourable Member in this House will be safe in your very capable hands and we trust that you will enjoy good health throughout the period to which you have been called to that Chair. (Applause.)

Mr. M. S. Aney (Berar Representative): Mr. President, I wish to associate myself and the Party I represent with all that has been said in praise of you. I need not refer to the services you have rendered as a public man both as a member of the Public Service Commission as well as a legislator and a Leader of an important Party in this House. I also need not refer to the experience which you have gained and the legal acumen which you have displayed as a Judge of the High Court. All these things have eminently fitted you for the high office which you are occupying now, and I have no doubt that in you the rights and privileges of this House are safe. I am sure the House will always get from you the correct lead and proper guidance whenever it needs it during the term it shall be your good fortune to occupy this high office. I wish to congratulate you, Sir, once more on behalf of my Party. (Applause.)

Mr. President (The Honourable Sir Abdur Rahim): I greatly appreciate the confidence which the House has placed in me by electing me to the Chair. I fully realise the great responsibilities attached to this office, and I need hardly assure you that I shall strive my best to discharge my duties to your satisfaction. I am a confirmed believer in Parliamentary institutions and I assure you that it will be my constant endeavour to guide the deliberations of this House in a way which will best lead to the development of Parliamentary institutions in this country. (Applause.) I need hardly assure you that in discharging my duties I shall be strictly impartial to all sections of the House and all views that the Honourable Members of this House may hold. (Applause.) I know that at times when feelings may be excited on particular questions, the Chair will be

called upon to keep order, and I hope and trust that all sections of the House and all Honourable Members individually will give me abundant co-operation in discharging my difficult duties. I need hardly tell you that I am greatly sensible of the onerous duties which I shall have to discharge as the occupant of the Chair, and I hope it will be given to me with your help and co-operation to uphold the dignity of the Chair, its usefulness and its authority. I feel sure from what I know of you and have seen of you during these few days that I shall receive all the co-operation that may be necessary in guiding and conducting the proceedings with dignity and in harmonious order. I do not think it is necessary that I should say anything more except that I am extremely obliged to all those Honourable Members who, representing different sections of the House, have said about me, the kind words they have uttered and the confidence they have expressed in me and I shall strive my best to deserve that confidence which they have reposed in me in the fullest measure possible. I thank all those Honourable Members who have spoken such kind words very cordially and I thank every Member of the House for the confidence placed in me by electing me to this office.

Now, I shall ask the Honourable the Leader of the House to make a statement of the business for the next week.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 28th January. It was originally proposed that the 28th, 29th and 30th should be placed at the disposal of the House for the discussion of a motion on the Report of the Joint Parliamentary Committee. It has, however, been ascertained that it will be more acceptable to the House that the debate should be taken in the following week. Arrangements will accordingly be made for the motion on the Report of the Joint Parliamentary Committee to be debated on Monday the 4th, Wednesday the 6th, and either Saturday, the 9th February or Monday, the 11th February. It has not been possible to provide business for the whole of next week, but it is thought that Members will not be averse to having some spare time to prepare for the constitutional debate in the following week.

The following business will be taken on Monday and Tuesday, the 28th and 29th January. On Monday, motions will be made to set up the Emigration Committee, the Education, Health and Lands Departmental Committee, the Hedjaz Pilgrimage Committee and the Industries and Labour Departmental Committee. It is expected that the Payment of Wages Bill and the Hedjaz Pilgrim Guides Bill will be ready for introduction on that day. Thereafter, motions will be made to refer to Select Committee the Indian Mines (Amendment) Bill which was introduced on the second day of the Session and for the consideration and passing of the Bill to amend the Indian Naturalization Act which was also introduced on the same day. On Tuesday, the 29th, a motion will be moved by the Honourable Sir Joseph Bhore to take into consideration the Trade Agreement concluded on the 9th January between the Government of India and His Majesty's Government in the United Kingdom.

The Assembly then adjourned till Eleven of the Clock on Monday, the 28th January, 1935.

SPEECH DELIVERED TO THE LEGISLATIVE ASSEMBLY BY HIS
EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Honourable the President of the Legislative Assembly took his seat on the Dais at Three of the Clock.

His Excellency the Viceroy: Gentlemen, in rising to greet Honourable Members to this, the first Session of a New Assembly, my first very pleasant duty is to congratulate you warmly, Mr. President, on your election to your important and responsible post. With some knowledge of your activities during long years of public service, I am confident that you will carry out your duties with fairness and justice to every Honourable Member of this Assembly, and I am equally confident that I can rely on every Honourable Member giving his full support to the Chair.

My next duty is to welcome to the Legislative Assembly those who have been elected by their constituencies to represent their interests. Many of those who were Members in the Assembly when I last addressed it have failed to secure re-election, and though I and my colleagues cannot but regret the absence of those with whom we have been so closely associated during the life-time of the last Assembly, our welcome to those who have taken their places is none the less sincere. I trust that closer association with my Government will make those of you who come to this House for the first time appreciate more fully the difficult nature of the problems with which we all are called upon to deal, and that discussions, whether formal or informal, will make you realise that even though we may differ as to methods, we all have before us the same ideal, the welfare and advancement of India.

Before I pass on to refer in greater detail to some of the matters which will engage your attention during the Session, I must touch on one matter which falls outside the realm of politics or political controversy. The year 1935 marks the twentyfifth anniversary of His Majesty the King-Emperor's accession to the Throne. It is in accordance with His Majesty's wishes that May 6th is to be a day of special thanksgiving throughout the Empire. Local Governments and the local Committees which they are constituting will, I feel sure, receive the cordial support of members of all communities, classes and creeds in carrying out their thanksgiving celebrations in the manner most appropriate to the locality. You will also have seen the Public Appeal which I issued a few weeks ago, with the gracious approval of His Majesty, suggesting that in commemoration of this auspicious occasion a fund should be raised in India for charitable purposes and to be devoted to four institutions of an All-India character, which are well known to all classes in the country as a constant source of relief to cases of suffering and want. The very ready response which was given to the appeal to relieve the distress caused by the Earthquake a year ago makes me hope that once again the Princes and Peoples of India will give proof of their devotion to the Crown and of their generosity to those in need of assistance. I profoundly hope that all Members of the Assembly will do their share in helping on this work.

May I also say that I am glad to think that, at the very outset of their association with the Indian Legislature, Honourable Members will have an opportunity of seeing something of the work of the Army during the course of the manœuvres that are now taking place in the vicinity of Delhi. It

has always been the view of His Excellency the Commander-in-Chief, and it is one in which I entirely concur, that the representatives of the taxpayer should have every right to see in every sphere as much as they can of the way in which their money is spent.

It is my custom on this occasion to give you a general survey of the situation in India under the various heads of our administration and to inform you of such legislative measures as we propose to lay before you for your consideration, in addition to the Railway and General Budgets which are always brought up for discussion at this Session.

Let me commence by saying that, as regards Foreign Affairs, India's relations with her neighbours continue to be friendly and peaceful. The question of the undemarcated frontier between Burma and China to which I referred when I last addressed the Members of the Assembly appears to be on its way to a satisfactory solution by means of a Boundary Commission which I hope will meet before very long.

I also look forward within the next few days to receiving a visit from His Highness the Maharaja of Nepal as the guest of the Government of India. You will all I am sure join me in extending a hearty welcome to our distinguished guest.

In the course of my address to the two Houses of the Central Legislature, last August, I referred to the position of Indians in Zanzibar. Mr. Menon, who was deputed by my Government to this territory in order to study the effect of the legislation in question, presented his report at the end of September. A special meeting of the Standing Emigration Committee of the Central Legislature was summoned in the middle of November to consider the report. In full agreement with the advice of the Committee, which endorsed the recommendations of Mr. Menon, representations were made to His Majesty's Secretary of State for the Colonies. In view of the close connection between debts and the security on which they have been advanced, we have, acting on Mr. Menon's advice, decided to defer final comment on the Land Alienation Decree until the Commission appointed by the Government of Zanzibar to report on the question of indebtedness has reported. As regards legislation relating to the clove trade, which appears to be of immediate and far-reaching menace to Indian trading interests, we have suggested drastic revision. The comments of the Resident in Zanzibar, to whom the Colonial Office referred Mr. Menon's report, have been recently received. Both the report and the comments will be published shortly. Meanwhile, I would like to give Honourable Members the assurance that the Government of India will continue to do their utmost to secure that the interests of the Indian community, which has a long and honourable record of association with Zanzibar, are fully safeguarded.

Honourable Members will be aware of the anxiety which leaders of the Indian community in Kenya have for some time voiced regarding legislation to regulate the marketing of Native produce in that territory which they expected would be introduced. Profiting by Mr. Menon's deputation to Zanzibar, my Government secured the concurrence of the Colonial Office to Mr. Menon's investigating the operation of similar legislation in Uganda and Tanganyika, where it has been in force for some time, and to assess its probable effect upon Indian interests in Kenya. On the basis of the report which Mr. Menon submitted representations were made early in

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November. Honourable Members will be glad to learn that, pending consideration of Mr. Menon's views, progress with the Bill, which the Government of Kenya had gazetted, has been deferred.

Before leaving the subject of Indians overseas, I wish to refer to the impending change in the office of Agent of the Government of India in South Africa. For domestic reasons Kunwar Sir Maharaj Singh has decided to return to India a few months before the expiry of the normal term, which is three years. My Government will be sorry to lose his services. His successor, the Honourable Syed Raza Ali, who is known to many of you personally, has already served in the Union as member of a deputation which the Government of India sent there in the difficult days when the Class Areas Bill was under consideration. His previous knowledge of the country and general experience as a man of affairs should enable him to continue with success the work of his distinguished predecessors.

Honourable Members cannot but be familiar with, probably many of them have participated in, the discussions and enquiries which are afoot regarding India's educational system. I am not one of those who feel that the present system has served no useful purpose, that it is an unmixed evil. Social and economic changes, not to mention political changes, create conditions which necessitate an overhaul of educational as of other activities. They are signs of a progressive national life; not necessarily accusers of what has been or exists. My Government welcome the keen interest which educational problems have aroused throughout India; the profound attention which they are receiving from Local Governments, from educationists, from leading public personalities. The constitutional framework has made Education the responsibility of Provincial Ministers and local Legislatures. This is as it should be. But education is at the very root of national prosperity. The Government of India cannot, therefore, be disinterested and aloof spectators. They may no longer direct or control; they can help to provide machinery which will facilitate and promote interchange of ideas and information. For this purpose my Government have decided to revive the Educational Advisory Board from the next financial year. The Assembly will be approached in due course to vote funds for the expenditure involved.

During its last Session the Assembly approved the proposal of my Government to locate the Imperial Institute of Agricultural Research in a more central place. A suitable site has been finally chosen for the purpose, and I hope to lay the foundation-stone of the building next month. The new Institute, when ready, will be within easy reach of this Chamber. Honourable Members from all parts of India will thus be able, without the effort or inconvenience of a tedious journey, to familiarise themselves with the work of the Institute for India's staple industry.

The Imperial Council of Agricultural Research has continued its efforts to assist, co-ordinate and guide agricultural research throughout India and its help has been appreciated and utilised to a steadily increasing degree. As you are aware the Hyderabad, Mysore and Baroda States have participated in the work of the Research Council and contributed to its funds for some time past. Recently the Travancore, Cochin and Bhopal States have joined the Research Council and undertaken to make suitable contributions to its exchequer. At the present moment perhaps most interest attaches to the steps which have been taken with the object of improving financial return to the cultivator for his enterprise. When I

addressed the House last August I referred in some detail to the steps which my Government was taking for improvements in the marketing of agricultural produce. I mentioned, in particular, our intention to initiate, at as early a date as possible, marketing surveys for certain main groups of commodities, viz., cereals, oilseeds, fruit and vegetables, fibres and tobacco, dairy produce and poultry, livestock and livestock products. Since then the Public Service Commission has been engaged on the recruitment of 17 central marketing officers and assistant marketing officers, and these gentlemen are expected to take up their duties under the Marketing Expert early next month. The details of the provincial sections of the scheme have also been completed and work will start almost immediately in the various Provinces. Simultaneously with the commodity surveys, the existing markets both primary and terminal will be studied and also the results of the previous efforts which have been made to organise producers and improve the markets open to them. It gives me great pleasure to add that we have also been assured of the active co-operation of a number of Indian States in the carrying out of this important project and that several of them are appointing special marketing staffs of their own for the purpose. As each survey is completed the practical conclusions to which they are designed to lead will be examined in consultation with Local Governments, so that active development work for the improvement of marketing may be undertaken without delay.

For simplicity in administration and the convenience of the public, the Marketing Expert to the Imperial Council of Agricultural Research has been designated Agricultural Marketing Adviser to the Government of India and a separate office created and attached to the Imperial Council of Agricultural Research Department.

Another matter which came under consideration at the Provincial Economic Conference in April 1934 was the improvement and development of the dairy industry in India—a question of first-class importance to producers and consumers alike. In these days when world markets appear to be too well supplied with every kind of grain, the better development of livestock industries is an avenue of progress which cannot be neglected. Any attempt to develop the dairy industry it is particularly important that better methods of marketing and technical improvements in the industry should be introduced simultaneously. This question also has been studied by the Imperial Council of Agricultural Research and proposals have recently been approved by Government under which the Imperial Institute of Animal Husbandry and Dairying at Bangalore will be supplemented by a Dairy Industry Institute including a model creamery and a laboratory for research on the physical and chemical properties of Indian milk and its utilisation. Various methods of processing and transporting milk under Indian conditions will be studied experimentally as well as the manufacture of condensed milk, milk powder, casein and other milk products including butter and ghee. In this manner we hope to give a definite stimulus to developments which should improve the supply of milk and milk products to the general population, specially in the towns, and be of financial benefit to a large number of Indian agriculturists.

Our general proposals in regard to both the marketing and dairying schemes have already received the approval of the Standing Finance Committee. During the debates on the Sugar Excise Bill which was passed into Law last April Government accepted a recommendation of the Select Committee of this House that adequate provision should be made for scientific

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and technological research designed to assist the Indian Sugar Industry and thus repeated the assurances given when the Sugar Industry Protection Act was passed in 1932. In fulfilment of this promise my Government have now approved the broad outlines of a scheme for a Central Sugar Institute prepared by the Sugar Committee of the Imperial Council of Agricultural Research. This Institute is intended to provide for research work in sugar technology, suitable training for scientific and technical staff and for technological assistance and advice to the industry. The Sugar Committee recommended that the Central Institute should be established at Cawnpore and if possible the existing Sugar section of the Harcourt Butler Technological Institute should be expanded to the extent required. Not only is Cawnpore a very suitable Centre for this purpose, but the Harcourt Butler Technological Institute is already the headquarters of the Sugar Technologist and the experimental sugar factory maintained by the Research Council in co-operation with the United Provinces Government. I am glad to say that the provisional concurrence of the United Provinces Government in these proposals has been secured, and we are now at work on details. The need for building up a really efficient Indian sugar industry during the 15-year period for which tariff protection has been given by the Legislature is self-evident, and I need hardly emphasise the essential part which scientific research and properly organised technical instruction must play in that process.

In the Posts and Telegraphs Department the past year has seen some notable extensions of the trunk telephone system of India, and my Government intend to pursue their policy of expansion actively, as they feel that this rapid and effective means of communication must be of great benefit to the commercial community. You may be interested to hear that the Department, under the instructions of my Government, is now making arrangements to issue a special series of commemoration stamps in connection with the celebration of the Silver Jubilee of His Imperial Majesty the King-Emperor.

The great developments which have taken place in the last two months show the increasing importance of air transport in this country. A new air mail service was inaugurated in December between Karachi and Lahore, which will make connection with the Imperial Airways Service at Karachi and so bring the people of North-West India into closer relations with western countries. An even more striking development has been the duplication, at the beginning of this month, of the Imperial Airways Service from Croydon to Karachi. I am glad to be able to say that this duplication has been supplemented, in a praiseworthy spirit of co-operation, by the companies operating our internal air services. The trans-India service to Calcutta has been duplicated, and the duplication carried on from Calcutta to Rangoon. The feeder services to Madras and to Lahore have also been duplicated. As a result of these expansions, the whole of India has now the benefit of two air mail services a week, and I trust that these increased facilities will be a factor in improving Indian trade.

You will have gathered from statements which have appeared in the Press that His Majesty's Government have now under consideration a scheme of the very highest importance for the introduction of an Empire Air Mail Service, the adoption of which would bring about far the greatest single advance which has yet been made in the speed and frequency of air services and incidentally bring India into much closer contact with

Empire countries, and with other countries lying on or near the Empire air routes. My Government fully realise the extent to which India is concerned in these proposals, and the part it is desirable that she should take in any scheme of Empire air routes. I am not in a position at the moment to say more than that they are giving the scheme their most serious consideration.

In connection with Road Development, two important events have occurred recently. In December last an Indian Roads Congress was held, which was attended by Engineers from all Provinces and important States in India and by a number of business-men, professionally interested in road-making. The object of the Congress was to enable those concerned with the technical aspects of road construction to pool their experience and to learn how the problems which confront them have been attacked and solved in other parts of India. I understand that the general impression amongst those who attended the Congress was that this was successfully achieved, and that it was felt that the meeting should be the first of a series which will keep road engineers in close touch with those methods of road-making which have proved of value and enable them to avoid methods which have proved failures in the past.

The Road Congress was followed in January by the first meeting of the Transport Advisory Council, a body of an entirely different character and with a different purpose. It consisted of the Ministers in charge of Roads in the Provinces or their representatives, with one or two technical advisers; and its function was to arrive at a considered statement of policy which could be generally acted upon by the Provinces for the furtherance of the co-ordinated development of road, rail and other forms of transport, a purpose which all must admit is of the very highest importance. I am glad to be able to say that the Council was able to formulate a statement of policy which covers many, if not all, of the major problems now facing us in connection with this very difficult subject, and that they also indicated definite lines for further investigation. This statement of policy will now be placed by my Government before the Provincial Governments, and I trust that it will not be long before it is in active operation and that it will prove of great economic benefit to the whole country.

While constitutional issues naturally tend to occupy the leading place in our minds at present, the consideration of these should not hamper us in pursuing reforms in other directions. The Whitley Commission, after quoting John Bright's maxim that "the nation in every country dwells in the cottage", added that the well-being of the people must be the primary concern of every Government, whatever its composition. The same is true of every Legislature, and it is satisfactory to find on looking back that, although Legislative Assemblies have varied considerably in composition and outlook, they have all agreed in pursuing legislation designed to protect and ameliorate the condition of labour. We are at present pursuing an important programme of labour legislation, which follows the general lines suggested by the Whitley Commission, and some bills arising directly or indirectly out of that Commission's recommendations will come up for your consideration. One of these Bills is designed mainly to prevent certain abuses relating to the payment of wages and presents a beginning for India of what is known elsewhere as "truck legislation". A Bill for this purpose was introduced in the preceding assembly and circulated for opinions. After these were received, a motion

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for Select Committee was tabled, but it was unfortunately not reached. We have used the interval to attempt ourselves to incorporate a number of changes suggested by the opinions, and thereby to facilitate further progress, and the new Bill accordingly represents a revised edition of the old one: I commend it to your careful consideration. A second Labour Bill which has already been introduced involves a revision of the main labour provisions of the Indian Mines Act: it includes proposals for reducing maximum hours and for raising substantially the minimum age for employment in mines.

Two further Bills owe a certain amount of inspiration to the Whitley Commission, although they do not fall within the category of labour legislation, but have a wider aim. They both seek to amend the Civil Procedure Code in respect of the execution of decrees and they are both designed for the protection of debtors. The problem of indebtedness has been very prominently before the public in recent years, and in some Provinces bold legislative experiments are being essayed in the endeavour to alleviate what is undoubtedly a grave weakness of our economic system. Our proposals are more modest in scope and aim at ensuring that the law cannot be invoked to enforce undue hardship on those who become embarrassed. The most important provision of one of these Bills extends protection from attachment to all salaries not exceeding Rs. 100 per month, while the object of the other is to protect honest judgment-debtors from imprisonment for debt.

We are now in the sixth year of the economic depression which fell like a blight on world trade and commerce in 1929. Our hopes of better times have been disappointed too often in the past few years to warrant more than a measure of cautious optimism for the immediate future, but we in India may at least take comfort from the fact that the recovery in our foreign trade which manifested itself last year is still being maintained, while the recent improvement in railway traffic may fairly be regarded as significant of better things to come. But the full restoration of prosperity to India does not depend on India alone. So long as the natural flow of world trade is interrupted, or diverted into artificial channels, for so long will the process of recovery be retarded. It is unfortunate that some of the best of our customers for the raw and semi-manufactured products of India have been driven, by sheer necessity, to adopt expedients to balance their trade exchanges which a few years ago would have been unthinkable. But whatever opinion we may have of the wisdom of systems of quotas and exchange restrictions, we cannot but recognise the stern logic of facts and the practical difficulties which lie in the path to recovery. In particular, the financial embarrassments of Germany have called into being a régime of import and exchange control which may have serious repercussions on India's export trade in many important staples. This is a problem which has been receiving the most earnest consideration of the Government of India. It is a problem which is capable of no facile solution, but I am hopeful that my Government, with the co-operation and advice of the commercial interests mainly concerned, will evolve a solution which will be as satisfactory in the ultimate, as in the immediate, interests of India.

As Honourable Members of this House are no doubt aware, the Trade Agreement between India and the United Kingdom which was concluded

at Ottawa in 1932 related only to such goods as were subject to non-protective or non-concessional rates of duty. There was signed on the 9th of this month a Supplementary Agreement between the Government of India and His Majesty's Government in the United Kingdom which covers the important field of protected commodities which was left untouched by the main Agreement of 1932. It is in the nature of things that the later Agreement should differ in its character from the earlier one. It relates not so much to the tariff treatment of specific commodities as to the general principles governing the exercise of our present policy of discriminating protection. It is the hope of my Government that the clear and unequivocal statement of their tariff policy contained in the new Agreement will remove any lingering doubts, or suspicions, and help to inaugurate an era of good-will and friendliness with profound benefit to the trade and political relations of Great Britain and India.

The separation of Burma from India is an issue of prime importance from many points of view; but I would refer here to one aspect of the question only. If and when Burma separates, there will arise the problem of the future trade relations of two countries which, up to the moment of separation, have been in the closest possible economic union. It is of equal importance to both countries that there should be no abrupt discontinuity or dislocation of their mutual trade, and it is therefore essential to provide against such a contingency. You will, I think, agree that it would be unreasonable to pass on to two responsible Governments a ready-made régime which would fetter in perpetuity, or for any considerable period, their powers and discretion to formulate, and put into operation, a tariff policy in consonance with their own particular circumstances. At the same time the period of transition and adaptation to new conditions will be a difficult one, and I believe that it will be a service to both countries if there is prescribed a régime governing the mutual trade of India and Burma for a limited period after separation. Within that limited period it should be possible for both Governments to take stock of their position and to negotiate freely, and on their own responsibility, a fresh agreement in the best interests of those whom they represent. The nature of the temporary régime is the subject of conversations between my Government and representatives of the Government of Burma. In a matter of so vital importance to commerce and industry in India, we have sought the advice of representatives of those interests, and the views which they have expressed will receive the fullest consideration of my Government in the negotiation of any agreement or convention.

In speeches I have made since the publication of the Joint Select Committee's Report I have expressed myself generally on the scheme of constitutional reform, but I feel that in addressing Honourable Members on this subject I have a special message to deliver, in order that I may give expression to thoughts on which my mind has dwelt far longer than is perhaps realised. My association with India now dates back so many years that I can without presumption lay before you reflections based on my own experience. For that reason, speaking as the head of the administration in India, I hope I may be allowed to strike a more personal note than is usual in these addresses.

I would ask you in the first place when you turn over in your thoughts the scheme of constitutional reform now embodied in a Bill to fix your attention on the broad lines on which it is planned. Place on one side

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for the moment the arguments and discussions of recent years, the evidence and the memoranda, the documents and the reports, in short all the literature of the reforms. Free your minds of these, and let your thoughts centre on the great principles which have increasingly asserted themselves, until they have dominated the scheme. They are the foundations on which the scheme is built, Provincial Autonomy in British India and a Federation comprising the whole Continent. I can remember the time when Federation was discussed as a visionary dream, something in the remote future, something distant and scarcely practicable. Gradually it has taken shape, it has come nearer. Honourable Members with as close a knowledge of India's political history as my own will remember that the authors of the Joint Report of 1917 were not content with sketching an immediate scheme of reforms. They let their minds run on into what the future might bring. What was it they saw before them, when they assumed the mantle of prophecy? Let me take their own words: "India was to be a sisterhood of self-governing States, presided over by a Central Government occupied with matters of common interest, external and internal. The units were not to be the Provinces alone. With them there were to be associated the Indian States anxious to contribute to the common service, but sensitive to maintain their own individuality." In 1917 these thoughts were expressed as a conception of the future, something to aim at, something not yet within reach. But where do we stand now?

Never should we forget the contribution of the Princes at the first Round Table Conference when they declared their readiness to enter an All-India Federation. The appeal of this great principle was irresistible. The Princes rose to the occasion. What was till then scarcely more than a picture of a possible future was transformed at once into something substantial on which to build. Here at last were the real foundations on which to construct a scheme embodying the essential unity of India. Look back over India's history to the time before the British connection established itself. This dream of a dominion extending its authority from one end of the Continent to the other from age to age seized the mind and gripped the imagination of the great rulers of the past. We, the British in India, have brought peace and ordered government over a long period of years. Under our hand the political life of the country has grown and expanded. New ideas of public and personal liberty have been encouraged and have taken root. But in a Federation of all India I see the coping stone of British achievement. I can confidently assert that this ideal with its necessary corollary of Provincial Autonomy should command the support of all, both British and Indian, who honestly desire the advancement of India in the successive stages of her political development.

But if this is our objective, how is it to be reached? The answer will be found in the Report of the Select Committee and in the Bill presented by His Majesty's Government to Parliament. Years of thought and careful investigation have been given to the preparation of the scheme in all its multifarious and complicated details. It is no easy road that leads to Federation. The higher we set our aim, the more numerous the difficulties to surmount. But that is no reason why we should be deterred. Do not imagine for a moment that it is possible to construct so great a scheme of political advance with as much ease and exactness as an

architect can command in planning or altering a house. There are many diversities of taste, many varieties of ambition, of which account has to be taken when a new constitution is planned. Let us as practical men recognise that in any large and general question differences of opinion must exist. Take the question of reservations and safeguards, to which especially Indian criticism has been directed. In a sense these safeguards are themselves a measure of the advance intended. Were the transfer of power contemplated by His Majesty's Government so small, so exiguous a thing as critics are apt to suggest, the need for safeguards would scarcely have been raised. It is because the transfer of power is real, both in range and in substance, that caution demands safeguards to carry us safely from one system of government to another. Is the inclusion of safeguards an unreasonable or unfriendly act? Surely this would be a narrow and a prejudiced view. We owe an acknowledgment to the Select Committee for helping to put the constitutional safeguards, for instance, the special powers of the Governor General and the Governors, in their true light as the necessary complement, in present conditions, to responsible government, without which it could have small hope of success.

In other directions also the scheme is criticised. For instance, it is suggested in some quarters that a sinister motive underlies the substitution of indirect for direct election to the Federal Legislature. It is no secret that I personally and my Government supported the principle of direct election. That does not mean that we do not recognise that there are cogent arguments on the other side. After balancing the considerations the Committee decided in favour of indirect election. But mark their words. They have said in the most explicit terms that they do not think it possible for Parliament to lay down today the exact method of constituting the Central Legislature for any long period of time. They express the hope that, after time has passed for experience to be gained, the Federal Legislature, if Indian opinion thinks modification is required, will lay its own proposals before Parliament. We cannot anticipate the decision Parliament will reach on this important question; but advocate as I have always been of direct election, I do not feel that what the Committee wrote on the subject should leave Indians with a sense of grievance.

Some of those who criticise the proposals admit that Indian disagreements have contributed to the sufficiently formidable difficulty of framing a constitution on so vast a scale. Undoubtedly these disagreements have influenced the form of the proposals. But be it remembered to the credit of His Majesty's Government that they have at no time allowed disagreements among Indians to impede the paths of reform. Of this no better illustration could be given than the Communal Decision undertaken by His Majesty's Government solely for the reason that the communities were unable to agree among themselves.

A constitutional scheme prepared in these conditions may not be equally perfect. Were that the test to be applied, all human action would be impeded and no human institution would be commendable. But I am satisfied that the scheme gives to India the opportunity, to which she earnestly aspires, to mould her future nearer to her heart's desire. Parliament may make modifications in this or that direction during the period while the scheme is under their consideration in the ensuing months. Let Indian leaders work to secure changes or improvements on

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points to which they attach importance. But I counsel them in all earnestness to take the scheme as the only path likely in any period of time that we can yet foresee to bring within their reach the great ideal of an All-India Federation, my faith in which I have just expressed. If, as I confidently hope, the proposals of His Majesty's Government are accepted by Parliament, on whom lies the final responsibility, I look to this country to respond with no uncertain voice to the opportunity offered. It has always been my ambition to see India take her position on terms of complete equality with the other members of the British Commonwealth. As her problems differ from those of other parts of the Empire, so too may her constitution take a form different from constitutions elsewhere. But I am convinced that the path to Federation is the path that leads to India's sure advance. The constitutional scheme that takes India on that road is a scheme well-worth the exercise of her best exertions.

With these words I leave you to your labours, and it is my earnest prayer that a Divine Providence may, in the momentous days that lie ahead of us, guide us all in the discharge of our several responsibilities. (Loud Applause.)

LEGISLATIVE ASSEMBLY.

Monday, 28th January, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock. Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBERS SWORN:

Dr. Narayan Bhaskar Khare, M.L.A. (Nagpur Division: Non-Muhammady);

Maulvi Badi-uz-Zaman, M.L.A. (Bhagalpur Division: Muhammadan); and

Mr. Narayan Malhar Joshi, M.L.A. (Nominated Non-Official).

MOTIONS FOR ADJOURNMENT.

ACTION OF THE GOVERNMENT OF INDIA IN CONCLUDING THE INDO-BRITISH TRADE AGREEMENT WITHOUT CONSULTING ANY INDIAN MERCANTILE ORGANISATIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Mr. B. Das that he proposes to move the adjournment of the House today to discuss a definite matter of urgent public importance, namely, the action of the Government of India in concluding the Indo-British Trade Agreement without consulting any Indian mercantile organisations. I should like to know whether he wants to move the motion in view of the fact that this matter is coming up tomorrow.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, as Government recognise the importance of the subject and have given us a day for discussing it, I do not propose to move my motion today.

Mr. President (The Honourable Sir Abdur Rahim): I want to know whether the Honourable Member intends to move this motion tomorrow.

Mr. B. Das: No, Sir.

REFUSAL OF PERMISSION TO MR. SARAT CHANDRA BOSE TO ATTEND THE SESSION OF THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Akhil Chandra Datta that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, namely, the situation arising from the Government not permitting Mr. Sarat Chandra Bose, an elected Member of this Assembly, to attend this Session.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I may inform you that he is not prepared to move it.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Simla Session, 1934, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

- (1) The Negotiable Instruments (Amendment) Act, 1934,
- (2) The Indian Trusts (Amendment) Act, 1934,
- (3) The Indian Dock Labourers Act, 1934,
- (4) The Indian Carriage by Air Act, 1934,
- (5) The Sea Customs (Amendment) Act, 1934,
- (6) The Indian Aircraft Act, 1934,
- (7) The Mechanical Lighters (Excise Duty) Act, 1934,
- (8) The Repealing and Amending Act, 1934,
- (9) The Factories Act, 1934,
- (10) The Bengal Criminal Law Amendment Supplementary (Extending) Act, 1934,
- (11) The Assam Criminal Law Amendment (Supplementary) Act, 1934,
- (12) The Indian Rubber Control Act, 1934,
- (13) The Indian Income-tax (Amendment) Act, 1934,
- (14) The Petroleum Act, 1934,
- (15) The Iron and Steel Duties Act, 1934,
- (16) The Indian Tariff Act, 1934,
- (17) The Indian Army (Amendment) Act, 1934,
- (18) The Indian Navy (Discipline) Act, 1934, and
- (19) The Amending Act, 1934.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President (The Honourable Sir Abdur Rahim): In pursuance of order 5 of the Standing Orders of the Legislative Assembly, I have to announce that I have fixed Tuesday, the 5th February, 1935, as the date for the election to the office of the Deputy President of this House.

Each Member wishing to propose another Member as a candidate for election will ascertain that the candidate is willing to serve, if elected, and will hand to me not later than 12 Noon on Saturday, the 2nd February, a notice, showing the name of the candidate, signed by the proposing Member himself and by some other Member as seconder.

As soon as possible after the notices have been handed to me, I propose to read out the names of the candidates, together with their proposers and seconds, and if there is more than one candidate, to take the ballot on Tuesday, the 5th February, 1935.

The Secretary will issue a circular informing Honourable Members of the method by which the ballot shall be held.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members will remember that it was announced by the Chairman on the 21st January, 1935, that the election for the Standing Committee for Roads, if necessary, will take place on the 30th January, 1935. As there will be no meeting of the Assembly on that day, the election for the Committee will be held on the 4th February, 1935.

STATEMENTS LAID ON THE TABLE.

CONVENTION BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF POLAND RELATING TO TONNAGE MEASUREMENT CERTIFICATES WHICH AFFECT INDIA.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I lay on the table the Convention between the United Kingdom and the Republic of Poland relating to Tonnage Measurement Certificates, which affect India.

CONVENTION BETWEEN HIS MAJESTY, IN RESPECT OF THE UNITED KINGDOM, CANADA, THE COMMONWEALTH OF AUSTRALIA, NEW ZEALAND, AND INDIA, AND THE PRESIDENT OF THE REPUBLIC OF POLAND, RELATING TO THE TONNAGE MEASUREMENT OF MERCHANT SHIPS.

Warsaw, April 16, 1934.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the Republic of Poland,

Recognising the desirability of making arrangements for the reciprocal recognition of certificates of registry and other national documents relating to the measurement of tonnage of merchant ships,

Have resolved to conclude a Convention for that purpose and to that end have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

for Great Britain and Northern Ireland,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for the Dominion of Canada,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for the Commonwealth of Australia,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for the Dominion of New Zealand,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

for India,

The Right Honourable Sir William Augustus Forbes Erskine, G.C.M.G., M.V.O., Ambassador Extraordinary and Plenipotentiary of His Majesty at Warsaw;

The President of the Republic of Poland:

Monsieur Józef Beck, Minister for Foreign Affairs,

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

Article 1.

Subject to the provisions of Articles 6 and 7 of this Convention, the territories of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty) to which this Convention applies are the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, including for this purpose Papua and Norfolk Island, New Zealand, Newfoundland and India, all British Colonies and Protectorates and all mandated territories in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom. His Majesty's Government in the Commonwealth of Australia or His Majesty's Government in New Zealand.

Any reference in subsequent articles of the present Convention to the territories of His Majesty shall be deemed to relate to those territories of His Majesty to which the Convention applies.

Article 2.

In view of the fact that the existing laws and regulations in the territories of His Majesty in regard to measurement of tonnage of merchant ships are in substantial agreement with those of Poland, ships furnished with certificates of registry and other national papers duly issued by the competent authorities of some part of the territories of His Majesty shall be deemed by the Polish authorities to be of the tonnage denoted in the said documents, and shall be exempted from being remeasured in any port

or place in Poland, on condition that similar terms shall be accorded to Polish ships equipped with certificates of registry or other national papers duly issued by the competent Polish authorities on or after the 30th November, 1927, and that such ships shall be exempted from being remeasured in any port or place within the territories of His Majesty.

Article 3.

The High Contracting Parties agree that the Government of the Republic of Poland to whom it pertains to ensure the conduct of the foreign relations of the Free City of Danzig in virtue of article 104 of the Treaty of Peace, signed at Versailles on the 28th June, 1919, and of Articles 2 and 6 of the Convention concluded between Poland and the Free City of Danzig on the 9th November, 1920, may at any time while the present Convention is in force declare by a notification made through the diplomatic channel that the Free City of Danzig is a Contracting Party to this Convention and that the Free City assumes the obligations and acquires the rights deriving therefrom, subject to such conditions as may be agreed upon in the notes to be exchanged for giving effect to such declaration.

Article 4.

The President of the Republic of Poland may by a twelve months' notice given in writing through the diplomatic channel terminate this Convention either collectively in respect of all territories of His Majesty or separately in respect of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, Newfoundland or India respectively.

Article 5.

His Majesty may terminate this Convention collectively or separately in respect of the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, Newfoundland or India by a twelve months' notice in writing through the diplomatic channel.

Article 6.

The separate termination of this Convention, under Articles 4 or 5, in respect of the United Kingdom of Great Britain and Northern Ireland shall also terminate it in respect of all British colonies, all British protectorates and all mandated territories in respect of which the mandate is exercised by His Majesty's Government in the United Kingdom, and its provisions shall upon such termination cease to apply to all ships registered therein.

Article 7.

The separate termination of this Convention under Articles 4 or 5 in respect of Canada, the Commonwealth of Australia, New Zealand, Newfoundland or India shall also terminate it in respect of the territories under the authority or jurisdiction of His Majesty's Government in Canada, in the Commonwealth of Australia, or in New Zealand or in Newfoundland or the Government of India respectively and its provisions shall upon such termination cease to apply to ships registered in such territories.

Article 8.

The present Convention shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force thirty days from the date of the exchange of ratifications.

In faith whereof the abovenamed Plenipotentiaries have signed the present Convention and have affixed thereto their Seals.

Done at Warsaw in duplicate, each in the English and Polish languages both of which shall have equal force, the 16th day of April, 1934.

For Great Britain and Northern Ireland.

WILLIAM ERSKINE.

For the Dominion of Canada:

WILLIAM ERSKINE.

For the Commonwealth of Australia:

WILLIAM ERSKINE.

For the Dominion of New Zealand:

WILLIAM ERSKINE.

For India:

WILLIAM ERSKINE.

For the Republic of Poland:

J. BECK.

CERTAIN FURTHER AMENDMENTS IN THE OTTAWA TRADE AGREEMENT RULES.

The Honourable Sir Joseph Bhore: Sir, I lay on the table a copy of certain further amendments in the Ottawa Trade Agreement Rules, 1932.

DEPARTMENT OF COMMERCE.

NOTIFICATION.

TARIFFS.

Sindhu, the 13th October, 1934.

No. 289-T. (11)/32.—In exercise of the powers conferred by sub-section (3-B) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to direct that the following further amendments shall be made in the Ottawa Trade Agreement Rules, 1932, namely:—

(1) In the *Explanation* to sub-rule (2) of rule 4 of the said Rules the word "mixing" shall be omitted and to the said *Explanation* the following proviso shall be added, namely:—

"Provided that where the article concerned is an article specified in the first column of the Third Schedule this *Explanation* shall be construed as though the word 'mixing' were included therein before the word 'bottling'."

(2) In the Third Schedule to the said Rules, for the heading "(See rule 4-A)", the heading "[See the proviso to the *Explanation* to rule 4 (2) and rule 4-A]" shall be substituted.

T. A. STEWART,

Secy. to the Govt. of India.

ELECTION OF THE STANDING COMMITTEE ON EMIGRATION.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to sit on the Standing Committee on Emigration."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to sit on the Standing Committee on Emigration."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, five Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', dealt with in the Department of Industries and Labour."

The House will observe from this motion that it is proposed to exclude Posts and Telegraphs from the purview of the Departmental Standing Committee. The reason for that is that there was a generally expressed desire in the last Assembly that Posts and Telegraphs should have its own Committee. Government propose to accede to that desire, and I shall move later on for the constitution of a separate Committee to deal with Posts and Telegraphs.

Mr. F. E. James (Madras: European): Sir, may I ask the Honourable Member whether by "later on" he means during the currency of the present Session?

The Honourable Sir Frank Noyce: Certainly, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Posts and Telegraphs', dealt with in the Department of Industries and Labour."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of Members to the Standing Committee on Emigration, Standing Committee for the Department of Education, Health and Lands, Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for the Department of Industries and Labour the following dates have been fixed for receiving nominations and holding elections, if necessary, namely:

	Nominations.	Election.
Standing Committee on Emigration	30-1-35	6-2-35
Standing Committee for the Department of Education, Health and Lands	30-1-35	6-2-35
Standing Committee on Pilgrimage to the Hedjaz	4-2-35	13-2-35
Standing Committee for the Department of Industries and Labour	4-2-35	13-2-35

The nominations for all the Committees will be received in the Notice Office upto 12 Noon on each day appointed for the purpose.

As regards the elections to the Committees, which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, the following procedure will be observed. The elections will take place in the Secretary's Room where the Assistant Secretary on the day fixed for an election will remain from 10-30 A.M. to 1 P.M. Honourable Members desiring to take part in the elections may during these hours go to the Assistant Secretary, get the ballot paper from him after signing in a register in token of their having received the ballot paper, record their vote and deposit the paper in the ballot box kept for this purpose in that room. On the day of an election notices will be posted in prominent places in the lobby to remind Honourable Members that the election is proceeding for a particular Committee on that day.

THE HEDJAZ PILGRIM GUIDES BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz."

The motion was adopted.

Mr. G. S. Bajpai: Sir, I introduce the Bill.

THE INDIAN MINES (AMENDMENT) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. N. V. Gadgil, Mr. V. V. Giri, Prof. N. G. Ranga, Mr. Ram Narayan Singh, Mr. H. P. Mody, Mr. Abdul Matin Chaudhury, Mr. Lalchand Navaraj, Mr. A. H. Ghuznavi, Mr. L. C. Buss, Mr. N. M. Joshi, Dr. R. D. Dalal, Mr. J. M. Chatarji, Mr. A. G. Chow and the Mover, with instructions to report on or before the 15th March, 1935, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, it gives me sincere pleasure, and I trust that that pleasure will be shared by all sections of the House, that the first Bill to come up for consideration in the present Assembly should be one of social betterment, and I hope that its general principles will command the assent of all parties.

[Sir Frank Noyce.]

The Bill before the House is designed mainly for the better regulation of hours of work in mines. The proposals made in this respect have a comparatively long history behind them, and it may be of some assistance to the House if I recall the main steps which have led up to the stage we have now reached. The last Bill dealing with hours of work in mines was introduced in the third Assembly in 1927 and passed into law in 1928. The Assembly approved the changes then made, but it seems to have been generally recognised that the form in which the law was left was not permanently suitable. In particular, the provision which allowed a 12 hours day, though the average maximum day was shorter, came in for criticism. The majority of the Select Committee agreed that the system of eight hour shifts was the ideal which should be gradually,—I would like to emphasise the word “gradually”—worked up to, and recommended that after the measure had been in operation for three years, the situation should be re-examined to see whether an eight hours shift could then be introduced. The three years expired in 1933, but before then the question had come under the consideration of the Whitley Commission which endorsed the views of the Select Committee and also recommended a reduction in hours of work above ground. They reported in 1931, and in the same year the International Labour Conference at Geneva adopted a draft Convention relating to hours of work in coal mines. Following on that, the question was brought before this House in 1932 when a Resolution was adopted recommending that “Government should examine the possibility of reducing the statutory limit for hours of work in mines, and that the results of this examination should be placed before this Assembly”. In pursuance of that Resolution, the Government of India consulted the Local Governments and the interests concerned on the subject of hours in Mines, and also on certain other matters, with which this Bill also deals. The Bill before the House represents the results of the examination so conducted.

The proposed provisions for regulating hours can be briefly explained. The Bill, as does the present Act, treats hours above ground and hours below ground somewhat differently. The limits for work above ground are at present 60 hours weekly and 12 hours daily. The Bill proposes to reduce these limits to 54 and ten respectively, and those, as Members of the House who are acquainted with the provisions of the Factories Act will remember, are the limits now in force for regular factory work. We have also introduced a provision for spread-over, and we propose to require that, including rest intervals, the worker's hours shall not exceed 11 in any one day. Below ground we are proposing a nine hours limit against the present limit of 12 hours per day. As the House will see, that is a very considerable reduction, but, even so, it would probably seem to some critics that we are still some distance from the 8 hours ideal suggested in 1928. If, however, they examine the Bill carefully, they will find that we are not so very far from it after all. In many mines, in point of fact, these provisions will practically attain it, for we propose that the nine hours should be reckoned from the time that the first man of the shift leaves the surface until the time when the last man returns to it. In other words, it includes what is known as winding time, that is the time necessary to get the shift in or out of the mine. If Honourable Members will reflect for a moment they will find that this means that for the

average miner the time elapsing between the moment he leaves the surface and the moment he gets back will be substantially less than nine hours, for it takes a considerable time, particularly in the deeper mines, to lower a shift of men, cage by cage, and to get them out again. If, for example, winding time in a mine occupies half an hour, the average miner in that mine will only be $8\frac{1}{2}$ hours away from the surface. Moreover, and this is very important, even less than that, $8\frac{1}{2}$ hours will be spent at the working face, for this $8\frac{1}{2}$ hours includes the time spent in the way down, the time spent in walking to the face and the return journey to the shaft and the surface, in fact in deep mines the hours of work may be seriously restricted, and it may be necessary to allow some relaxation when winding time is unduly long. I feel sure that the reduction made here will be recognised by those best acquainted with mining conditions as going quite as far as we can reasonably go in present circumstances.

The other proposals are very fully explained in detail in the Statement of Objects and Reasons, and I do not think it is necessary for me to do more than to refer to two of them now. The first is the raising of the minimum age for employment. It is at present 13, the Whitley Commission proposed 14, and we propose to go one better and make it 15. This is the minimum age for adult employment in factories. There is no half-time system in mines, and it will, I think, be generally agreed that it is undesirable that a lad should work in a mine as an adult before 15. I do not claim this as a reform of much practical importance, for few persons under 15 years, I am glad to say, ever enter a mine, but the principle is a sound one, and its embodiment in our law will prevent any possible change in the direction of attracting child labour.

The second change to which I should like to draw the attention of the House is embodied in clause 3 of the Bill, and is designed to give the workers in mines representation on Mining Boards equal to that of employers.

I have just received a request that with your permission, Sir, the name of Mr. Morgan should be substituted for that of Mr. Buss on the Select Committee, and if I may, I should like to amend my motion accordingly.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. N. V. Gadgil, Mr. V. V. Giri, Prof. N. G. Ranga, Mr. Ram Narayan Singh, Mr. H. P. Mody, Mr. Abdul Matin Chaudhury, Mr. Lalchand Navalrai, Mr. A. H. Ghuznavi, Mr. G. Morgan, Mr. N. M. Joshi, Dr. R. D. Dalal, Mr. J. M. Chatarji, Mr. A. G. Clow and the Mover, with instructions to report on or before the 15th March, 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. Abdul Matin Chaudhury (Assam: Muharramadan): I rise, Sir, to support this motion. It is really very gratifying, as the Honourable Sir Frank Noyce has pointed out, that the first non-official Bill which we are called upon to consider deals with the welfare of labour, and I take it as evidence that the zeal and enthusiasm of the Honourable Sir Frank Noyce for improving labour conditions by implementing the recommendations of the Labour Commission still continue unabated, and, Sir, the return of

[Mr. Abdul Matin Chaudhury.]

my Honourable friend, Mr. Clow, to the field of his labours is an additional guarantee that the flow of labour legislation will continue till all the recommendations of the Whitley Commission are put on the Statute-book. Though I welcome this measure, I must express my disappointment that the scope of this Bill is not as comprehensive as it should have been. When Government are undertaking to amend the Indian Mines Act, they should have taken this opportunity of giving effect to all the recommendations of the Whitley Commission which are relevant to mines and not merely confine this Bill to a slight increase in the labour representation on the Mining Board and a slight reduction in the hours of work.

The Honourable Sir Frank Noyce: Slight?

Mr. Abdul Matin Chaudhury: It is slight; I take it in that way. To give a few examples, take the case of sanitary conditions in mines. It was pointed out by the Whitley Commission that even in the mine which is managed by the Government of India, the salt mine at Khewra, there is a complete absence of sanitary arrangements and the health of the workers in that mine was very poor. Yet, we do not find in the Bill any provision for improving the sanitary conditions in the mines or in the mining settlements. Take, again, the case of the oil fields. The Labour Commission recommended as regards the oil fields in India and Burma that the Government should examine whether the Mining Act could be made applicable to them because at present oil fields do not come under the operation of the Mines Act. We do not know if the Government have examined that question and with what result. The examples I have given are merely illustrative. What I want to emphasise is that the Government should have given effect to all the recommendations of the Whitley Commission with regard to mines in this Bill instead of choosing a few at random.

Now, Sir, with regard to the clauses of the Bill, as has been pointed out by the Honourable Sir Frank Noyce, the Bill provides for an increase in the labour representation from one to two to make it equal to the representation of the employers. But what I do not understand is this, why should Government choose the representative of the labour while the employers are given the right of electing their own representatives? There are miners' organisations in the mining areas, and just as the employers have been given the right of electing their own representatives, so it is only just and fair that the Government should give the same right to the workers to elect their own representatives on the Mining Board.

The most important change that has been made in this Bill is with regard to the hours of work. As has been pointed out by the Honourable the Mover, it is proposed to reduce the weekly working hours above the ground from 60 to 54 and the daily working hours below the ground from twelve to nine. I have said that it is a slight decrease. Though on paper it looks like a substantial reduction of hours of work, still I maintain that in reality it is no advance at all. If Government really desired an advance in this direction they should have reduced daily the hours of work to eight and provided 48 hours a week. This question was debated at very great length in the year 1928 when the Indian Mines Act was

before this House. The majority on the Select Committee on that occasion, which included Sir B. N. Mitra, Sir Darcy Lindsay and others, agreed that it was best for all concerned that the hours of work should be eight in the mines. I should like to read out to you an extract from the report of that Select Committee. This is what the Select Committee said:

"We discussed in great detail a proposal to shorten the period of twelve hours proposed as the maximum hours of daily work in the new clause (d) of section 23, and we considered, in succession, whether the period should be reduced to eight, ten or eleven hours. The proposal to reduce the period to eight hours was strongly urged in the interests of the workmen, for reasons with which we find ourselves in sympathy. There can be no doubt that in a properly equipped and organised mine, the eight hours' shift is the best for all concerned, for reason which are so well-known that they require no elaborate statement by us. The advantages of the eight hours' shift are so clear that, we understand, many well equipped mines in India do now actually work on an eight hours' shift."

Having said this, they recommended twelve hours a day, and that is on the ground that the reduction of working hours would lead to a reduction in the earnings of the workmen and also on the ground that the workmen were unpunctual and they did not work intensively. It has now been proposed to reduce that period of twelve hours to nine hours, and even that I do not consider as a real advance, and I shall explain to you why. The miners serving in the mining area do not earn their wages on the daily rate; they earn their wages on the piece rate, that is so much per tub of coal which they dig. The daily average, I understand, is about three tubs. In most of the well-managed mines the miners work eight hours a day and they produce three tubs a day. But there are mines which are inefficient; there are mines which are ill-equipped, and in those mines the mine-owners are very anxious to get the maximum of advantage by incurring the minimum of expenditure. In those mines there is an insufficiency of tubs and because of this insufficiency the workers are compelled to work longer hours, and it is to give protection to these ill-equipped, these inefficient mines that the Government have provided twelve hours a day. By working twelve hours the workers do not earn more because of the insufficiency of tubs they are compelled to work twelve hours to earn as much as in a well equipped mine they can earn in eight hours. And by not reducing the hours of work to eight the Government are not protecting the earnings of the labourers. The protection they are giving is only to inefficient mines, and I do not see any reason why Government should be so anxious to give protection to inefficient mines at the expense of the poor worker. I hope that in the Select Committee this point will be taken into consideration and that they will recommend an eight hour day for the mines.

Mr. V. V. Giri (Ganjam-cum Vizagapatam: Non-Muhammadan Rural): I welcome this proposed Bill, so far as it goes, because it is designed to improve the condition of the workers in the mines, but, at the same time, I cannot congratulate the Honourable Member in charge of the Bill for its introduction, and, if I may say so, without offence, a mountain in labour has brought forth the proverbial mouse. Let us examine the history of this legislation as has already been pointed out by the Honourable the Member in charge of the Bill and also by my Honourable friend, Mr. Abdul Matin Chaudhury.

[Mr. V. V. Giri.]

Just at a time when other countries, such as the United States of America, are introducing a 35-hour week and 40-hour week in their industries in order to solve the unemployment problem by spreading the work and at the same time not decreasing the wages, just at a time when Great Britain has been negotiating with the employers' organisations and the workers' organisations for the introduction of a 40-hour week in order to solve the unemployment problem in that country, when other countries are likewise employing similar methods to solve their unemployment problem, it is surprising that the Government of India should introduce in the year of grace 1935 a 54-hour week in the mines. The history of the legislation, so far as this subject is concerned, is already before the House. When the amending Bill of 1928 came up for discussion, the Select Committee made it clear that most of the mines in this country are already working the eight-hour day and perhaps even less. If I may be permitted to refer to the table given by the Chief Inspector of Mines in India for the year ending the 31st December, 1933, which will be found on pages 98 and 99 of Table No. 2, the House will observe that in almost all the coal fields in India lesser hours than eight are being worked for most of the categories. For instance, if the Jheria coal fields in Bihar and Orissa are taken into consideration, you will find that it is 49 hours for overmen and sirdars, foremen and mates, 43 for miners, 43 for loaders, 47 for skilled labour and 46 for unskilled labour. If other coal fields such as Raneeaganj and Assam coal fields are taken into consideration, you will find that the workers in different categories are already working only eight hours or less, and I wonder, therefore, what is the great difficulty on the part of the Government of India to introduce the eight-hour legislation. India is considered to be one of the eight great industrial countries, a member of the League of Nations and a member of the International Labour Conference. The International Labour Conference had adopted a convention formulating $7\frac{1}{4}$ hours work in the mines. Just at this time, even in India, the miners in the coal fields are working seven hours and eight hours, and I do not see any difficulty why the Government should not adopt that convention, being a member of the League of Nations. As regards the other suggestions with regard to age, I welcome the change from 13 years to 15 years, and if it is possible I would suggest the raising of the age to 16. It has already been pointed out by the Honourable Member in charge of the Bill that a large number of young men are not employed in the mines. I hope the Select Committee will take into consideration all these suggestions in discussing this Bill.

Mr. G. Morgan (Bengal: European): I rise to support the motion before the House. I have no intention of making a speech on the subject generally or on the details of the Bill. In September, 1932, the Government of India approached the Local Governments with a view to ascertaining their views on the subject of the reduction of hours and the raising of the minimum age. Although it may not be an advance to the extent that my Honourable friend, Mr. Abdul Matin Chaudhury, has suggested, still I consider that it is a considerable advance, and the Honourable Sir Frank Noyce has said that these things must be done slowly but surely, and I do not think it would be a good thing to immediately adopt all the conventions that are passed in the West and make them

applicable to conditions which are altogether different in India. However, Sir, all these items will be discussed in the Select Committee, and I do not wish to detain the House by any elaborate criticism of the details at the present juncture. Therefore, I merely wish to give my support to the motion before the House.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Mr. President, it is rather surprising that the Government should have brought forward a Bill in which it is proposed to lower the hours of work above ground in a generous fashion from 60 to 54 hours. As my friend, Mr. Giri, has already pointed out, in all other countries attempts are being made by the workers to get these hours lowered to 40 and even less. Here in this country Government are prepared to come forward courageously to offer this great blessing of 54 hours a week and claim that it is a grand and great thing indeed. In no other civilised country, in Europe and America, I am sure, will any Government be courageous enough to come forward with a Bill like this and expect congratulations from an Assembly like ours. Merely because in this country the workers have not been united properly and effectively and merely because the workers have not been able to make their influence felt on the Government and their counsels, the Government are prepared to come forward with a Bill like this and expect this House to welcome it with both hands. If Government were really anxious that labour in this country should be properly organised, that it should be able to voice its grievances properly and effectively, they would not have suggested the constitution of a mining board on which the representatives of labour are not to be elected members of the labour employed in the mines, but the nominees of Government. While the representatives of employers are to be elected by the organisations of employers, the Government come forward with this proposal that the spokesmen of labour have to be nominated by themselves. Why should it come forward with this suggestion? I suggest to this House that it is so, because the Government are really not very keen that labour organisations in this country should go on from strength to strength and progress from day to day. The best way for allowing labour to effectively organise itself is to allow it to select its own spokesmen and not simply by nominating men to speak for labour. What is it that the employers of labour have been doing in this country? So far as labour in mines is concerned, they do not recruit the labour in the neighbourhood of mines, but they wish to go on encouraging the employment of labour from distant and far off places. These people, whose mainstay is agriculture, cannot be expected to take a whole time and complete interest in the conditions of labour under which they are to work for some time in the year. If, on the other hand, as is the case in other countries, labour were engaged locally, the men would have an incentive to organise themselves well, because they will take to it as a whole-time occupation. They would make it their lifework and naturally they would be interested in the continuous improvement of their own labour conditions. The employers on the one hand are trying to undermine, to prevent the development of labour organisations by employing labour from outside and far-off places and the Government, on the other hand, are trying to nominate the spokesmen of labour and are not selecting their own representatives, and thus they are trying, as I submit, for the consideration of this House, to undermine the development of labour organisations. And it is because the labour organisation has not been properly developed, that the

[Prof. N. G. Ranga.]

Governor General in Council has come forward with this proposed fifty-four hours weekly limit for the employment of labour in mines. Sir, is it because the existing practice is in favour of fifty-four hours? Is it because the employers are able to employ workers for fifty-four hours every week, or is it because the employers protest strongly that they would not be able to make their profits unless they are able to employ workers for fifty-four hours? No, Sir. According to the admission of the Honourable the Mover of the Bill, it is quite clear that in most mines workers are employed for forty-eight hours: and, even in these circumstances, when the existing practice is already in favour of forty-eight hours, and when the Select Committee, that sat on a similar Bill like this to discuss this particular question in 1928, was in favour of forty-eight hours, and even when the present Government in their circular to Local Governments granted that public opinion was strongly in favour of a forty-eight hour week, where is the justification for the Government of India to have come forward with this wonderful proposition for a fifty-four hour week? I would, therefore, request the Honourable the Mover of this Bill to consider this proposition,—and this is not only my proposition, but the proposition of the Geneva Congress and the request of the miners in this country that a forty-eight hour week should be adopted and not this fifty-four hour week.

There is another point, Sir, I should like to place before the House. As far as these workers who are to be employed below the ground are concerned, it is put down here that there should be fifty-four hours' work weekly and twelve hours' work daily and at present the maximum is fifty-four hours per week and twelve hours per day, but hereafter it is to be nine hours every day. There is, however, no mention of the total number of hours per week to be worked by miners underground. Why is it? I fail to understand why the Government of India have not been able to fix any maximum limit for a week, and I would like the Honourable the Mover to enlighten the House on this particular point. There is yet one more point—the employment of child labour. According to the ordinary Factories Act, there are three kinds of workers—there are the children, there are the adolescents and there are the adults. The adolescents are those above fifteen years of age, but less than seventeen years of age, and if it is necessary to distinguish these ordinary adolescents from adults in ordinary factories, where the work certainly is less arduous and less dangerous than the work in mines, then is there not all the more reason why this class of young people should be distinguished as adolescents even for work in mines? Here the Government come forward with this proposal and say that it is very much more liberal and generous than the Whitley Commission in regard to this. The Whitley Commission was good enough to suggest that the age should be raised from thirteen to fourteen. The Government have suggested that they are good enough to raise the age to fifteen. Now, as regards those who are considered to be above fifteen by medical boards of the locality,—what is to happen to them? Are they to be considered as adults? Are they to be given adults' work? Should they be allowed to suffer merely because the Government of India consider them to be adults and thus they should be allowed to carry on the work of the adults? Those who are below seventeen years of age cannot be considered for the purposes of ordinary factories as adults but should be considered as adolescents, and, I submit for the consideration

of this House, that even in regard to those miners, those youngsters who are below seventeen years of age but above fifteen years should be considered as adolescents and not as adults, and therefore, they should be given the benefit of less work, and more rest. With these remarks, I submit that this Bill may be sent to the Select Committee for further consideration.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have no intention to speak much on this Bill. There is only one remark I wish to make in connection with the reference made by my Honourable friend, Professor Ranga, and that reference has in fact influenced me to speak a few words on this Bill. Sir, I refer to the representation in this House for labour. We have been told that that representation is secured by means of nomination. It is true that representation is secured in this House on behalf of labour by means of nomination, but I must assure those who are concerned in this matter that the selection which is being made from time to time is the best one. (Hear, hear.) Sir, I have been in this House for a long time and I know the work that my Honourable friend, Mr. Joshi, has been doing is very valuable and creditable to him. . .

Prof. N. G. Ranga: On a point of personal explanation, Sir. My friend is referring to the representation of labour in this House. I was referring to the proposed representation of labour on the Mining Boards that are proposed to be established under this Bill by the Honourable the Mover.

Mr. Lalchand Navalrai: I am grateful to you for this correction. I am now glad that on this point at least you agree with me.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member should address the Chair.

Mr. Lalchand Navalrai: With regard to the question itself, I think I should not give my own opinion on this point as I am put on the Select Committee. But I must assure the House that the Select Committee every time will be made to see that the interests of labour as well as of the employer are duly considered. This question is not a new one for this House. Questions with regard to hours of labour, both per day and during a week, have been considered in this House in some form or other on certain other Bills. Therefore, this House knows where the age limit and the time limit should be fixed. However, this question will be given the best consideration in the Select Committee; and, I hope, there need be no fear that all the interests of labour would be fully safeguarded. If the interests of labour are not, as has been stated, being properly safeguarded outside this House, I must say it is their own fault. Now, we have at present unions for all kinds of labour: unions for railways, in fact unions for several other kinds of work of the labourer, and I have seen myself that the Government do help in seeing that the unions are assisted in respect of anything that they want to be done for the amelioration of the labourer. I have personal knowledge of the railway unions and I think there is not much complaint on that score, though, of course, there are many points on which the unions should be helped more than what is being done now. But my own complaint is that there ought to be better organization outside and in these unions and it is only when they can show that they are very well organised and can put their case forcibly

[Mr. Lalechand Navalrai.]

and also constitutionally that we can say that the unions have done their part. I hope that this question will be considered by the unions and by the leaders of the labour. As regards the points which are involved in this Bill, they will be considered by the Select Committee, and, therefore, I do not wish to say anything more that I shall have to say on it hereafter. Sir, I support the motion.

Mr. N. M. Joshi (Nominated Non-official): Sir, I rise to support this motion. As I am speaking for the first time in this new Assembly, may I, Sir, with your permission, offer you my respectful congratulations upon your elevation to the august Chair of the President of the Assembly.

Sir, the Bill before the House is an important measure. It deals with an industry which is one of the greatest industries of India and in which a very large amount of capital is invested and from which about 200,000 people derive their maintenance. It is, therefore, a matter of gratification to me that this measure has come up for our consideration. It marks progress in legislation intended for the protection of the working classes, especially the miners. Sir, although the measure marks a progress, I feel that the progress which is being proposed is a small one. It is also, in my humble judgment, a very halting one. The Government of India have been moving, I may say, year after year, in the matter of protective labour legislation, but I have observed during the last few years that their policy is characterised by some undesirable features. One of the features is that, although they always make some progress, the steps they take are very halting. The Government of India, it appears to me, like to crawl instead of even walking: they never think of running. I would like the Government of India to take little longer strides. Not only do the Government not take longer strides, they are very slow to move. The Honourable Member gave some history of the legislation intended for the protection of the Indian miners. Sir, I should have told this House another feature of the policy of the Government of India as regards labour legislation. In the past, perhaps in the long past, the Government of India did not move unless it was made to move by somebody else. In the olden times Lancashire used to move the Government of India in the matter of factory legislation. That time is past. Moreover, on account of the pact of my Honourable friend, Mr. Mody, with Lancashire, I am afraid we cannot hereafter expect the help of Lancashire for our labour legislation. But take even the case of legislation for the protection of Indian miners. The first Indian mine was, I think, opened about the year 1820, and the first legislation undertaken by the Government of India for the protection of miners was, I think, in the year 1901, 80 years after the first mine was opened. This legislation too was undertaken by the Government of India, not on their own initiative, but on the initiative of an International Conference. Sir, unfortunately these outside influences have ceased to operate or ceased to have effect upon the Government of India. I have already said that we cannot expect any longer the help of Lancashire. My fear is that even the International influence has weakened during the last few years so far as the Government of India are concerned. I would like the Government of India, hereafter, not to depend upon any outside pressure but to take initiative themselves. This is especially necessary in the case of an industry like the mining, and it is even necessary

for the protection of the workers in India generally. In India the working classes are ignorant, extremely poor and have very little political influence. If we consider the position of the Indian miners, they generally come from extremely backward communities of our population. They are a helpless class of people. I would, therefore, like the Government of India to take the initiative in all these matters. Not only the initiative is to be taken by the Government of India, but they should not also wait for a very long time to act, but should act promptly. Moreover, in the case of these miners, it is wrong to expect that the miners will organise themselves to compel the Government to move faster. I would like, therefore, the Government of India to move a little faster and quicker and take the initiative themselves and even be a little ahead of the times. There is absolutely no fear that anything wrong will happen either to our country or to the industries of our country if the Government of India move faster. In the first place, in the matter of labour legislation, the whole world has progressed much beyond what we have done. We have yet to come up to the level of the outside world and unless we move fast, we shall not be able to come up to the same standard to which the whole world has reached. Moreover, there is no fear also that any harm will be done to our country or to our industries if we adopt labour legislation a little more boldly, because the kind of legislation which we shall pass will generally be based upon the legislation which has been adopted already in the outside world without any disaster happening to the industries in those countries which have adopted this kind of legislation. I, therefore, feel that the Government of India should act boldly in the matter of undertaking labour legislation.

Sir, I do not wish to say anything about the history of this legislation which has been already given. As regards the main features of this Bill, the chief clause of this Bill deals with the reduction of the hours of work. The Honourable Member in charge of the Department of Industries and Labour has already stated what changes he has proposed and my Honourable friend, Mr. Abdul Matin Chaudhury, has already said that the progress which the Government are intending to make is a very small one. We would like the Government of India to adopt a bolder policy. I would like the Government of India immediately to adopt the proposals made in the International Convention on this subject. The convention proposes that the hours of work for underground work should be 7½ hours and for surface work eight hours. I would like the Government of India to adopt this proposal contained in the International Convention. My Honourable friend, Mr. Abdul Matin Chaudhury, has already stated, and also my Honourable friend, Mr. Giri, quoted from the report of the Chief Inspector of Mines, that already a large number of mines are not working more than eight hours. If we look to the figures given by the Chief Inspector of Mines, we shall find that there is absolutely no mine-field in which the average hours of work are more than 54. I am not suggesting that there is no mine at all in which the hours of work are not 54, but the average hours given by the Inspector of Mines are the average hours for different coal-fields and there is no coal-field at all in which the average hours are more than 54. If the Government of India are now limiting the hours of work to 54, certainly it looks to me that the legislation is not going to change the hours in any mine at all. I feel, Sir, that even if the Government of India adopt the proposals of the Convention or at least an eight-hour day, there

[Mr. N. M. Joshi.]

will be no inconvenience of any kind. The argument so far adopted by different people who are against the adoption, or who were, if I am to speak more accurately, against the adoption of eight hours was that the habits of our workers are against intensive work. That argument has no force at all now. Specially in this matter, my Honourable friend, Mr. Abdul Matin Chaudhury, has already pointed out that the wages in those mines where eight hours are worked are not lower than the wages where longer hours are worked. From the point of view of miners, therefore, there will be no harm at all if eight hours are introduced. Moreover, if there is a fear of wages being reduced, the right remedy is for the Government to give effect to the proposals made by the Royal Commission on Indian Labour. The Royal Commission, dealing with the question of wages of miners, stated that besides the efforts made by the miners themselves, the wages of the miners are determined by the tubs which are supplied by the employers and upon the lead, that is, the distance over which the coal is carried and several other factors. The Royal Commission has recommended in that connection that a Statutory provision should be made that the miners will not be penalised on account of the defects of the working over which the miners have no control or the defects of the employers. The Royal Commission recommended that provision should be made that certain minimum output be credited to the miners account whenever he does one shift's work. I expected the Government of India to give effect to that provision in this Bill. Unfortunately the Government of India have not done so. I am sure, the Honourable Member, when he rises to make a speech, will explain why that recommendation was not given effect to. I think the Honourable Member gave no arguments really why the eight hours should not be introduced. As a matter of fact, when the Government of India issued a letter to the Local Governments on this question, they themselves seemed inclined to the adoption of the eight hours day and they themselves have stated in that letter that if an eight hour day is adopted, there will be no dislocation of work at all. Formerly, the employers in the mining industry used to complain that if the hours are reduced, there may be scarcity of labour, but the Government of India themselves now admit that there is absolutely no justification for thinking that there will be shortage of labour. As a matter of fact, at present there is some unemployment in the mining industry. Therefore, if we adopt the eight hour day, there will be no dislocation caused to the employers at all. On the contrary, if we adopt the eight hour day, there is some chance of the unemployment being relieved as some people feel that the production will go down and so need for new men will be felt. I do not wish to say anything more on the point of shorter hours. I only hope that the Government of India, when they themselves do not see any difficulty in the introduction of an eight hour day, should agree in the Select Committee for that proposal.

Sir, besides the reduction of hours, the Bill also contains a provision for the increase in the minimum age of employment of children and I offer my congratulations to the Government of India on the proposal which they have made. They have also proposed to increase the labour representation on the Mining Board from one to two. They also propose that the representative of the miners on the Mining Board should be nominated in consultation with the labour organisation. I am glad that

the Government of India have made some progress in this matter. But, here also, I feel that the Government of India should have gone a little further. We know that the time has now come when labour will get representation by election not only on these mining committees and Mining Boards, but they will get elected representatives even in the Legislatures of the country. If the miners are in a position or will be in a position very shortly to elect representatives on the Legislature, I do not know why we should deny them the right to elect their representatives on the Mining Boards. I would like to make one more suggestion to the Government of India. Besides the Mining Boards, the Indian Mines Act provides for certain committees being appointed in order to make enquiries about matters concerning some mines. I would suggest that the Government of India should take the same course in the matter of appointing labour representatives on the committees appointed under section 11 of the Indian Mines Act. This is what I have to say about the provisions of the Bill.

Before I conclude, I would like to say on this occasion that the Government of India should have included in this Bill some more provisions. I have already suggested that the Government of India should have included in this Bill a Statutory provision suggested by the Royal Commission as regards the minimum output being credited to their account for every shift. I would have also liked the Government of India to strengthen the provisions as regards sanitation and safety. The provisions in this matter in the British legislation are much stronger than our provisions. I would have liked the Government of India to revise these provisions also. Besides these provisions, I would have liked the Government of India to institute by legislation a labour welfare fund, which is playing a very important part in the miners' life in Great Britain. Sir, I am aware that in India, in the coal area, there are Boards of Health which, to some extent, do some work as regards sanitation and health and other general welfare of labour also. If there is a Statutory Fund, that fund could be utilised to a great extent for purposes which are not yet undertaken by the Boards of Health either at Asansol or at Jheria. I would like the Government of India to consider the proposal of instituting a miners' welfare fund by legislation. Sir, I hope the Government, when the Bill goes to Select Committee, will adopt the suggestions which we have made; and I should like to make an appeal to the members of the Select Committee that whatever attitude the Government of India may take in this matter they should follow a very bold policy. This Legislature represents the people of this country. We are all anxious that the condition of the Indian masses should be improved, and, therefore, the right thing for us to do is not only to support measures of this kind, but to improve them as we like that they should be improved. Sir, I support this motion.

Mr. A. G. Clow (Government of India: Nominated Official): Sir, I think all the Members who have spoken are Members whom it is proposed to appoint on the Select Committee, so that the questions they have discussed will perhaps be discussed at greater length, and with a little more clarity in some cases, in that Committee. I do not propose, therefore, to detain the House at any length or to deal in great detail with the very numerous matters that have been raised in the speeches. I would however just like to allude to a few of the more important suggestions that have been made.

[Mr. A. G. Clow.]

My Honourable friend, Mr. ~~Abdul~~ ~~Matin~~ Chaudhury, who—I hope by a slip of the tongue—said that he opposed the Bill, referred to the question of sanitation, and it was also raised by my Honourable friend, Mr. Joshi. He asked why we were not proceeding in the direction of carrying out the Labour Commission's recommendations in respect of sanitation. The answer to that is very simple. It is that the Mines Act already makes adequate provision. It is really a matter for rule making powers. I would only refer my Honourable friend to section 30 (c) of the Mines Act as it at present stands.

Mr. Joshi also referred to a large number of matters which are really extraneous to this Bill, including one or two recommendations of the Royal Commission. I think he can accept my assurance that I at least am not unsympathetic to the recommendations of the Labour Commission and that the matters he referred to were examined at very considerable length and with the utmost care. As a matter of fact, he referred, I think, to a suggestion regarding wages for standard output. It was not a provision that would protect the miners, even if it had been adopted, from a reduction of wages enforced by a reduction of hours; for it was only designed to provide for those abnormal cases where the miner, owing to the difficulty of his position, may find it difficult to achieve the average output.

My Honourable friend, Mr. Giri, was, I am afraid, a little misled by a statistical table published by the Chief Inspector of Mines. He read from that table the average hours of work per week. I need hardly remind those Members, who are familiar with mining conditions, that, because you see a certain figure recorded as the average hours per week, that does not mean at all the same thing as the hours that a miner may happen to work in any particular week. The work in the mines and coalfields is especially apt to be a little irregular. The miners come in and work for four or five and sometimes only three days a week; and merely because you find that their average hours are (let us say) 47 or 46, which are fairly typical average hours for underground work, it does not mean that if you fix a nine hours' day you are not necessarily restricting their hours. If Mr. Giri's calculations were sound, surely the obvious answer would be that it is quite unnecessary for us to restrict the miners' hours at all, because they are already down to the limits which he regards as satisfactory and, therefore, legislation is superfluous. Above ground,—I do not think he quoted the figures for above ground,—very much the same applies. The average hours are 53, 52, 51 and so on, but I think the restriction we are imposing is a reasonable one.

I do feel, however, that in dealing with hours several Members overlooked the point which was stressed by the Honourable Member in charge of the Bill that in respect of underground work we are not imposing a limit of nine hours' work. We are imposing a limit of nine hours underground which, as a manager of any substantial mine will tell you, is an entirely different thing. You have got to get your men underground and remember that the cages are very limited. You can only get your men down in small numbers, six or ten or dozen at a time. You have got to get your men out again and you have got to get to get them to the 'face' which is very often a quite appreciable distance underground. Therefore, the number of hours that the measure is leaving for actual work will, in the

bigger mines, I think, practically yield eight hours a day, which seems to be regarded as an ideal by many Members of the House. I suggest that if you go on to restrict hours further you run a very serious risk of injuring the miners themselves and of creating that unemployment which I am sure, Mr. Giri himself is so anxious to avoid. Wages in the mines are not high, efficiency is as yet extremely low, and I do not myself believe that if you adopted my Honourable friend, Mr. Joshi's proposal to ratify the International Convention and fix the hours in coal mines at 7½, the average Indian miner, even if the coal owner was willing to adopt those hours, would be able to earn a reasonable subsistence in that time. It would leave him perhaps less than seven hours for work, and even that is not all work. There are interruptions; he has got to await the arrival of his tubs; and he cannot wield his pick for all these seven hours. And I honestly believe that in the interests of labour it is best to proceed as the Select Committee in 1928 suggested, and that is to proceed "gradually" towards the eight-hour shift. I would only say one word more in connection with the Convention which Mr. Joshi commended to the House, and that is that it was a Convention designed primarily for Europe: it was not designed with a view to conditions in Asiatic countries. It is a Convention that, so far as I am aware, has hitherto been ratified only by one country in the world. It was a Convention which related only to coal mines, whereas our Bill covers mines of every character.

Mr. Joshi also suggested that it was time we took the initiative in labour legislation. I find it difficult to understand what else we are doing. He admitted that the impetus in respect of this Bill did not come from Lancashire; he regretted apparently that it did not come from Geneva. If it does not come from here, I do not know where it comes from. His Excellency the Viceroy in addressing this House alluded to four measures connected with the recommendations of the Whitley Commission that are to come up for consideration in this House. I suggest to my Honourable friend, Mr. Joshi, and to those who think with him, that the pace is not quite fast enough, that in the end you defeat your own purpose by trying to go too far ahead of public opinion, and that the measures that we are introducing are reasonable and are designed in the best interests both of the miners and of the industries concerned.

Sir, I support the motion.

~~Mr. President (The Honourable Sir Abdul Rahim):~~ The question is:

"That the Bill further to amend the Indian Mines Act, 1923, for certain purposes, be referred to a Select Committee consisting of the Honourable the Law Member, Mr. N. V. Gadgil, Mr. V. V. Giri, Prof. N. G. Ranga, Mr. Ram Narayan Singh, Mr. H. P. Mody, Mr. Abdul Matin Chaudhury, Mr. Lalchand Navalrai, Mr. A. H. Ghuznavi, Mr. G. Morgan, Mr. N. M. Joshi, Dr. R. D. Dalal, Mr. J. M. Chatterji, Mr. A. G. Clow, and the Mover, with instructions to report on or before the 15th March, 1935, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN NATURALIZATION (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member): Sir, the motion that stands in my name runs as follows:

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be taken into consideration."

[Sir Henry Craik.]

In making this motion, I should like to express the hope that the House will find it possible to treat this Bill as a non-contentious one and that it will agree to pass it today. But the House will, I think, naturally expect that I should explain two things: first, the necessity for the Bill, and, secondly, its form. It is explained in the Statement of Objects and Reasons that the Bill is designed to give effect to certain articles of a Convention arrived at in regard to matters where there is a conflict between the nationality laws of different nations. This Convention was arrived at under the auspices of the League of Nations in 1930. The object of the particular articles in the Convention with which we are concerned today is to remove the hardship which at present arises when a woman becomes what is known as "stateless", that is to say, when she is placed in the position of possessing no legal nationality at all, either by reason of her marriage, or, because, during the continuance of her marriage, the nationality of her husband is changed. The Convention itself was the outcome of previous discussions on attempts to arrive at an agreement between the varying nationality laws of different nations; and, in the course of the discussions, it became apparent that some of the difficulties arising out of the divergence between these different laws and especially this difficulty as regards what I have referred to as "statelessness" might be removed by international agreement. After that general conclusion was reached, a conference was held under the auspices of the League of Nations at the Hague, in 1930, and that conference resulted in a Convention being signed. India was represented at that conference by Sir Basanta Mullick, Sir Ewart Greaves, and Mr. Latifi; and Sir Basanta Mullick was the particular member of the committee which dealt with this Convention and signed it on behalf of India, subject, however, to a reservation that it should apply only to British India and not to Indian States. The Convention consisted of a large number of clauses, but only four of them concern the matter before the House today, and those are Articles 8, 9, 10 and 11. Each of these four articles involves an amendment of the British Nationality and Status of Aliens Act: that is the Act of Parliament which deals with empire-wide matters of nationality: but only two of them involve an amendment of our Indian Act of 1926, namely, Articles 9 and 10, which Honourable Members will find quoted in full in the Statement of Objects and Reasons. The Government of India have intimated that they are ready to ratify this Convention, subject, however, to the necessary amendment of our Act being passed by the Indian Legislature, and that is why I am asking the House to take this Bill into consideration today.

Perhaps the House will be interested to know the kind of circumstances in which this difficulty as regards statelessness arises. Under the British nationality law, a married woman assumes on marriage the nationality of her husband: that is to say, that the wife of a British subject is deemed herself to be a British subject, whatever the country in which she may have been born; and, similarly, the wife of an alien is deemed to be an alien whether she was originally a British subject by birth or not. That is the law throughout the whole of the British Empire: but unfortunately that is not the law in other countries. For example take the United States of America. If a woman, who is a British subject by birth, marries a man who is an American citizen, she loses her British nationality under the British law, but she does not, under the law of the United States, acquire an American nationality. She is, therefore, left

without any legal nationality at all, and that is what I refer to as a condition of statelessness. That is a considerable hardship on the woman. For example, if she wants to travel from one country to another, there is no authority which is authorised to grant her a passport, and, in fact, travelling becomes a matter of considerable difficulty and embarrassment. Even her right to reside either in her own country or in her husband's country is a matter of grace and not of law. I think Honourable Members will agree that that is a condition of considerable hardship which should, if possible, be removed.

I should briefly explain why it is necessary only to amend the law in respect of two of the four articles in the Convention. The object, as I have said, is to avoid the hardship which arises when a woman becomes stateless either by reason of her marriage or by reason of a change in the nationality of her husband. The effect of marriage on the nationality of all British subjects throughout the Empire is regulated by the British Statute. Thus, any changes in the law affecting that matter have to be made in the British Statute and in that Statute alone and those changes have actually been made by an Act passed through Parliament in 1933. But the effect of a change in the nationality of a husband during the continuance of marriage is regulated both by the British Statute and also by the Indian Naturalization Act. Empire-wide naturalization, as I have said, can only be given by the British Statute, but the limited naturalization which applies to British India can only be given by an Act of the Indian Legislature, that is to say, by the Act of 1926, and, it is, therefore, necessary, in order to bring the law of nationality in British India into line with that throughout the Empire and also with the law agreed to by the International Convention, to amend in certain respects the Act of 1926.

Now, the proposed amendments are contained in the second, third and fourth clauses of the Bill, and I had better perhaps say a few words about each amendment.

At present under sub-section (1) of section 7 of the Indian Naturalization Act, when an alien becomes a naturalised British subject, his wife is automatically also deemed to be a British subject. That provision, as Honourable Members will observe, is contrary to Article 10 of the Convention quoted in the Statement of Objects and Reasons. Article 10 lays down that naturalization of the husband during marriage shall not involve a change in the nationality of the wife except with her consent. That is to say, we propose to give the wife the choice of accepting, when the husband changes his nationality, his new nationality or not, as she chooses. That is the amendment effected by clause 2 of the Bill, which provides that the wife of a man to whom a certificate of naturalization is granted shall, if not already a British subject, be deemed to be a British subject only if within a certain time limit she herself makes a declaration that she desires to be deemed to be a British subject.

The next point is that section 9 of the present Act provides that where certificate of naturalization is revoked and the holder thereby ceases to be a British subject, the Local Government concerned may direct that his wife shall also cease to be deemed to be a British subject. Now, it might happen that the person whose certificate was revoked had a dual nationality and that his wife had not, and that if on the revocation of her husband's certificate the Local Government directed that the wife should cease to be deemed a British subject, the wife would thereby be deprived

[Sir Henry Craik.]

of any nationality whatsoever and reduced to the position of what I have described as a position of statelessness. To prevent this, it is proposed to amend sub-section (2) of section 9 of the existing Act by inserting a proviso to the effect that the Local Government shall not make such a direction unless, by reason of the acquisition by her husband of a new nationality, the wife also has acquired that nationality, that is to say, the wife cannot, if that provision is enacted, be reduced to a condition of statelessness.

Lastly, Sir, section 10 of the present Act makes provision for a declaration of alienage by certain persons who have acquired naturalization under the Act, and also provides that the wife of a person making such a declaration shall cease to be deemed to be a British subject. Here, again, that might result in the wife being reduced to the position of statelessness and so it is proposed to add to sub-section (2) of that section a proviso that in such circumstances the wife shall not cease to be deemed to be a British subject unless, by reason of the acquisition by her husband of a new nationality, she has also acquired that nationality.]

This scope of the Bill is thus confined to two main objects, the first being to make the acquisition of British nationality by the wife of a person who is naturalized under the Act conditional on a declaration by the woman herself that she desires to be deemed to be a British subject, and, secondly, to prevent the wife of a person naturalized under the Act who loses his naturalization, either by revocation of his certificate or by a declaration of alienage, from being reduced to a position of statelessness. Both of these objects, I think the House will agree, are desirable, as both give the wife herself a choice in certain circumstances and save her from the effects of a position of statelessness, which, as I have mentioned, involves certain practical hardships. I hope, therefore, that the House will agree to pass this Bill. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) The question is:

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Henry Craik Sir, I beg to move.

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be passed."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to amend the Indian Naturalization Act, 1926, for certain purposes, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th January, 1935.

LEGISLATIVE ASSEMBLY.

Tuesday, 29th January, 1935.

The Assembly met in the Assembly Chamber of the Council House Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) the Chair.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 216, asked by Khan Bahadur Haji Wajihuddin, on the 19th March, 1934.

CONSOLIDATED ALLOWANCE OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

(a), (b) and (c). The original orders granting *ex gratia* an enhanced consolidated allowance to employees who, prior to the Crew System, held permanent posts of Travelling Ticket Inspectors in a substantive capacity and drew a mileage allowance and were now holding posts of Travelling Ticket Examiner's did not apply to Travelling Ticket Inspectors. It has since been decided that the orders will also apply to employees now holding posts of Travelling Ticket Inspectors as well provided they satisfy the essential condition *viz.*, that prior to the Crew System, they held permanent posts of Travelling Ticket Inspectors in a substantive capacity and drew a mileage or running allowance.

Information promised in reply to starred questions Nos. 416 and 417, and also supplementary questions, asked by Mr. Gaya Prasad Singh, on the 7th August, 1934.

FUNCTIONS AND DUTIES OF YARD SUPERVISORS AND YARD INSPECTORS.

Question No. 416.

The Agent, East Indian Railway, reports as under:

(a), (b) and (c). There are no Yard Supervisors and Inspectors on the East Indian Railway. The North Western Railway on being referred to, report that Yard Supervisors do the same work as Assistant Yard Masters on the East Indian Railway and at so far no train clerks (number takers) have been selected for promotion to Yard Supervisors.

(d) and (e). I would refer the Honourable Member to the reply laid on the table of the House on the 19th July, 1934, to parts (f) and (g) of question No. 391 asked by the late Rai Bahadur Lala Brij Kishore on the 6th March, 1934. The claims of number takers having necessary educational qualifications will be considered for promotion to grades the avenues leading to higher posts. There is no record to show that suitably qualified men have been rejected.

(f) Government do not consider any useful purpose will be served by giving the required information.

(g) The Agent reports that no number-taker suitable for the post was refused.

(4) Normally number-takers are poorly educated men and as a whole would be totally unfit to fill the posts of Yard Masters, Assistant Yard Masters and Yard Foremen and their normal avenue of promotion is given below :

	Old. Rs.	Co-ordinated. Rs.
Number takers	30—4—70	28—3—67
Train Clerks, Oudh and Rohilkhand	75—5—110	75—5—90
	100—5—120	
	78—3—90	
Junction	123—8—150	105—5—120

PROMOTION OF NUMBER TAKERS ON THE EAST INDIAN RAILWAY.

Question No. 417.

The Agent, East Indian Railway, reports as under :

(a) The appeals submitted by certain number-takers and Train Clerks on the Allahabad, Moradabad, and Lucknow Divisions are under reference to other Divisional Superintendents.

(b) I would invite the Honourable Member's attention to my reply to parts (a), (b) and (c) of question No. 416. The claims of suitable men with the necessary educational qualification will be considered. The time of the instructional staff at Chandausi is already fully occupied with the existing courses.

(c) The reply to the first part of the question is in the affirmative. As regards the second part, I would invite the Honourable Member's attention to my reply to part (4) of question No. 416. The avenue set forth therein offers sufficient advancement commensurate with the educational qualifications of the class of staff under reference.

(d) Yes, any staff suitable and selected for the relieving guards list may be given a training as an Assistant Yard Master.

(e) I would invite the Honourable Member's attention to my reply to part (d) of the question and add that promotion depends entirely on suitability and selection.

Information promised in reply to starred questions Nos. 437, 438 and 440 to 447, asked by Maulvi Syed Murtuza Sahib Bahadur, on the 7th August, 1934.

STAFF FORCED TO ACCEPT POSTS ON LESS EMOLUMENTS IN THE TICKET BRANCH, MORADABAD DIVISION.

437. No.

WITHDRAWAL OF MILEAGE ALLOWANCE FROM CERTAIN TRAVELLING TICKET INSPECTORS POSTED AS TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

438. The Agent, East Indian Railway, reports that the consolidated allowance is a travelling allowance and is not admissible to staff permanently placed on stationary duty.

POST OF ASSISTANT HEAD TICKET COLLECTOR, MORADABAD DIVISION, EAST INDIAN RAILWAY.

440. (a) Government are informed that the scale of Assistant Head Ticket Collectors on the Moradabad Division is Rs. 110—5—140.

(b) The Agent, East Indian Railway, reports that this was with a view to absorb higher paid travelling ticket examiners in posts carrying rates of pay equivalent as near as possible to the rates of pay drawn by them in their substantive posts or to their absorption in the Moody Ward System. A specific case of this nature occurred in the Moradabad Division. A travelling ticket examiner whose former substantive pay was Rs. 160 per mensem plus Rs. 50 consolidated allowance was posted to perform the duties of a travelling ticket examiner the sanctioned maximum pay of which post was Rs. 95 per mensem plus Rs. 20 consolidated allowance. In accordance with the policy stated above he was subsequently appointed as an Assistant Head Ticket Collector, the maximum pay of which post is Rs. 140 per mensem on his former substantive pay of Rs. 160 per mensem.

(c) Government are informed that old Travelling Ticket Inspectors of the Accounts Department posted as Assistant Head Ticket Collectors draw the substantive salaries and no allowance.

TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

441, 442 and 443. The Agent, East Indian Railway, reports that all the grades referred to are included in the ticket checking system and are not independent units.

ALLEGED HARASSMENT OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

444. No.

WORK OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

445. The Travelling Ticket Examiners work under the Chief Inspector of the Division.

CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.

446 and 447. I would refer the Honourable Member to question No. 606 asked by Khan Bahadur Haji Wajihuddin on 14th August, 1934, and the reply thereto laid on the table of the House on the 21st January, 1935.

Information promised in reply to unstarred questions Nos. 72, 73 and 82 asked by Mr. M. Maswood Ahmad, on the 20th August, 1934.

RESIDENTIAL ARRANGEMENT FOR THE RELIEVING STAFF ON THE EAST INDIAN RAILWAY.

72. The Agent, East Indian Railway, reports :

(a) For brief period of relieving duty, relieving staff are expected to make their own residential arrangements and they get travelling allowance to compensate them. Generally such staff are accommodated by their colleagues or where spare quarters are available they are permitted to use them. For occasions other than brief periods relieving staff are provided with quarters in accordance with the note to Rule 276 of the East Indian Railway Hand Book of Rules Volume I, a copy of which is attached.

(b) The only class of staff which has had to be considerably strengthened on account of the application of the Houses of Employment rules is the Assistant Station Master's group.

With a few exceptions these additional Assistant Station Masters who are required to relieve at different stations have been provided with quarters at their headquarter stations.

(c) The preparation of this statement will entail considerable expense and labour which would not be commensurate with the results to be obtained.

(d) The Honourable Member's attention is invited to my reply to part (a) of the question. Relieving staff are expected to make their own arrangements for quarters. They however are permitted to occupy general rest rooms and spare quarters where they exist without restriction.

(e) Relieving staff are permitted to occupy general rest rooms suitable for their class but not waiting rooms which are reserved for the Public.

(f) and (g). No.

(h) Yes, during their off duty however with the permission of the Station Master.

(i) Ordinarily 30 days, this may be extended by special necessity but it is not frequent.

(j) Yes, with the Station Master's permission".

Extract Note to paragraph 276 of the East Indian Railway Hand Book of Rules, Volume I.

NOTE.—In all cases of short absence up to a limit of three months, the permanent incumbent of a post which carries with it the privilege of free quarters need not be asked to pay rent for the use of such quarters retained by him while on leave, provided he can make satisfactory arrangements with his relief, whereby the latter is comfortably accommodated without any additional expense to the Undertaking. Over this limit of three months the employee on leave must be considered to lose his lien on his quarters, and must pay schedule rent, subject to the rule that the rent does not exceed 1/9th of his pay if he can be allowed the use of the whole or part of the quarters without inconvenience to others or expense to the Undertaking. If this cannot be arranged, he must vacate them for his relief.

ALLOWANCES OF THE RELIEVING STAFF AND THE RUNNING STAFF ON THE EAST INDIAN RAILWAY.

75. (a) and (b). It is reported by the Agent, East Indian Railway, that all relieving staff, other than Guards, when employed on relieving duty away from their headquarters draw daily or night allowance under the ordinary travelling allowance rules. In addition they draw any compensatory allowance which is admissible to them at their headquarters station.

Relieving guards under the old East Indian Railway Rules are granted relieving allowance as follows when employed on relieving duty :—

At their own headquarters Re. 1 a day.

Away from their headquarters Rs. 2-8-0 a day.

Guards under the old Oudh and Rohilkund Railway rules and the revised rules promulgated on the 1st September, 1930, when relieving station staff, get the following allowances :—

(i) At home-station pay *plus* 75 per cent. of their pay representing mileage allowance or the minimum pay of the officiating post whichever is more advantageous to them.

(ii) At out-station the same allowance as in the case of relieving at headquarters *plus* daily allowance according to the ordinary rules.

When staff are transferred to officiate in higher posts for relieving purposes they draw the pay of the post to which they are transferred and do not receive travelling allowance or relieving allowance in addition.

ALLOWANCES OF THE RELIEVING STAFF AND THE RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

82. (a) (i). It is reported by Agent, North Western Railway, that relieving staff sent out of their Headquarters to relieve other staff (excepting relieving inferior staff of the Transportation Commercial and Carriage Branches) are paid daily allowance admissible as for a journey on tour and for the number of days of their halt at the outstations subject to the proviso that in cases in which it can be foreseen that the relieving duty will last for more than 42 days, the relieving hand is posted temporarily and is not paid any daily allowance.

Relieving inferior staff of the Transportation Commercial and Carriage Branches are paid fixed allowances at Rs. 5 per mensem in the case of those in receipt of pay exceeding Rs. 19 per mensem and at Rs. 4 per mensem in the case of others.

(ii) Running staff such as Guards, Drivers etc., are paid allowances detailed in paragraph 5 (b), 31 and 33 of Agent's Circular No. 171927, Part C, a copy of which is placed in the Library of the House.

(b) Simultaneously with the receipt of the allowances detailed above, the relieving and running staff on this Railway earn compensatory and local allowances, if any, admissible to the staff at their headquarters station *cide* paragraphs 8, 9 and 12 to 17 at pages 8 to 12 of the above-quoted Circular.

Information promised in reply to starred question No. 981, asked by Mr. Sitakanta Mahapatra, on the 31st August, 1935.

INSPECTION OF INCOME-TAX ASSESSMENT FILES BY THE ASSESSEES.

(a) No.

(b) No such petitions are reported to have been received.

(c) The answer to the first part of the question is in the affirmative. As regards the latter part of it, notices are sent to assesses direct but I understand there are no daily cause lists.

(d) No.

(e) No.

(f) There are no such sections as 25 (a) and 55 (a) in the Income-tax Act. If sections 25-A and 55 are meant, there is at present no special form prescribed for the former, but the question of prescribing one is under consideration. As regards section 55, form B under Rule 21 can be used.

MOTION RE INDO-BRITISH TRADE AGREEMENT.

Mr. President (The Honourable Sir Abdur Rahim): Before calling upon the Honourable Sir Joseph Bhore to move the motion that stands in his name, the Chair wishes to consult the House as regards the procedure to be followed in so far as the allotment of time is concerned. It is a very important subject and the Chair is fully conscious that the House would like it to be debated adequately, and the Chair is sure that there are a number of Honourable Members who would like to take part in the debate. At the same time, the Chair thinks it would lead to orderly debate if some time limit was fixed for each Honourable Member so that as many Members as possible could take part in the debate. The Chair has consulted the Leaders of different Groups and there is agreement that if the Chair allows, say, 15 minutes ordinarily, to each speaker, though some exceptions have to be made,—the Chair will have, for instance, to

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take into consideration the fact that the Mover of the motion and the Movers of the amendments, Members speaking on behalf of large Groups, and the Member of Government giving reply may want a little more time—but ordinarily, the Chair thinks it would be the sense of the House that 15 minutes should be given to each speaker, so that as many Honourable Members as possible may participate in the debate. The Chair takes it that that will meet with general agreement and the Chair hopes that every Honourable Member who wishes to speak on the motion will bear it in mind.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I also have an announcement to make to the House before I call upon the Honourable Sir Joseph Bhore, namely, that the following Members have been elected to the Standing Finance Committee for the rest of the financial year 1934-35; namely:

- (1) Dr. Ziauddin Ahmad,
- (2) Mr. Lalehand Navalrai,
- (3) Major Nawab Ahmad Nawaz Khan,
- (4) Mr. G. Morgan,
- (5) Rai Bahadur Sir Satya Charan Mukherjee,
- (6) Rai Bahadur Seth Bhagchand Soni,
- (7) Sir Leslie Hudson,
- (8) Mr. Shri Krishna Sinha,
- (9) Mr. Muhammad Nauman,
- (10) Captain Rao Bahadur Chaudhri Lal Chand,
- (11) Mr. Mathuradas Vissanji,
- (12) Pandit Govind Ballabh Pant,
- (13) Mr. T. S. Avinashilingam Chettiar, and
- (14) Seth Govind Das.

MOTION RE INDO-BRITISH TRADE AGREEMENT.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I move:

"That the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, be taken into consideration."

Those, Sir, who have read this Agreement, or I should rather say, those who have studied it carefully, will realise that there is no necessity for any elaborate explanation or justification of its terms. Experience in the past has shown how easy it is for wrong judgments to be formed and hasty conclusions to be reached under the pressure of political bias.

venture to hope that in this case at least the logic of facts unchallengeable and self-evident, will overcome the promptings of prejudice. At his stage, I propose to do no more than to touch generally on two questions which naturally suggest themselves to the mind when considering this Agreement. The first of these questions is, what is the essential nature and character of this Agreement, and the second, why has it been found necessary to enter into it at this stage? Neither of these questions is a difficult one to answer, and in my view at least, neither should raise any serious doubt or disagreement if the Agreement is considered strictly upon its merits.

The Agreement attempts to do little more than to formulate, in more or less precise terms, the principles which have guided our fiscal and tariff policy and practice since the Resolution passed by this Assembly in 1923. Analysed briefly, its terms amount to this. His Majesty's Government for their part recognise that the economic well-being of this country may demand the application of a policy of discriminating protection, that, in pursuance of that policy and in the cases in which it is applied, the Indian industry is entitled to adequate protection against all its outside rivals and competitors whosoever they may be, and that the revenue needs of this country must normally dictate the level of those duties which are not fixed upon a protective basis. The Government of India for their part have enunciated in this Agreement the principles which govern their existing policy of protection and its application in practice. I will endeavour to explain briefly what those principles are, and when Honourable Members have heard what I have to say, I think they will agree that those principles exhaust the entire substance of our engagements under this Agreement. The Government of India for their part continue their adherence to a policy of discriminating protection as outlined by this Assembly in its Resolution to which I have referred. There is nothing in this Agreement which derogates from that policy or which weakens the application of that policy in practice by one jot or tittle.

In the second place, Sir, the Government of India undertake to apply that policy in the manner in which they have applied it in the past and up till present time. We, in the first place, have always begun by ascertaining the fair selling price of the Indian commodity to be protected. We have then gone on to ascertain the duty-free price of the competing British article and the foreign article, the difference between the two being the measure of protection required by the Indian industry against the British competitor on the one hand and the foreign competitor on the other. That, Sir, is the normal procedure of the Tariff Board. That is the procedure approved by this House and accepted by Government and all that we do under this Agreement is that we agree to continue this procedure so long as this Agreement subsists. Thirdly, in the conduct of the Tariff Board inquiries we have always permitted all industries interested, whether British or foreign, to state their case fully and frankly, so that in the interests of the Indian consumer and tax-payer the claim for protection may be thoroughly investigated. Further we have never abdicated the right, we have never abandoned our duty of reinvestigating the case of an Indian industry, if there is such a radical alteration in the conditions affecting that industry as to make it necessary to see whether the existing duties are appropriate or not. That is as much in the interest of the industry itself as of the public of this country. All that we do under this Agreement is to emphasize those principles and our past

[Sir Joseph Bhore.]

practice. I can see no other principle in this Agreement, certainly no principle of any importance to which I have not referred, and, I think, Honourable Members will realise, that we have done nothing more than to crystallise our past fiscal practice and the principles which have been accepted either directly or indirectly by this Legislature. This, Sir, also explains why it was not necessary to consult commercial opinion in this country. We have broken no new ground. We have ventured upon no new field. Had we done so I have no doubt that I should have followed the practice initiated, I believe by myself, of prior consultation with commercial and industrial interests concerned. And that brings me to the second question, namely, why is it necessary to enter into this Agreement at this time? It is necessary from the point of view of both parties to have our fiscal policy and practice defined in precise terms, so that there may be no possibility of misunderstanding or misapprehension on either side. If I interpret British Industrial interests in general correctly, they do not question the right of this country to lay down its policy in accordance with the economic well-being of this country and the interests of its people in general. In desiring this Agreement, it seems to me, that all that British industries wanted was that our policy should be as far as possible defined and clarified. There was no desire to question or to alter our existing policy of protection but merely to have it cleared, so that there might be no misunderstanding on either side. So far as we were concerned, this Agreement implements an implied promise given at Ottawa and a definite promise given to the Clare-Lees deputation, that we would take an early opportunity of clarifying our position in regard to protected articles so that there might be no possibility of doubt or misunderstanding on either side. Then, secondly, it is a matter, I submit, of considerable value and importance to us that our policy of discriminating protection should be accepted with all its implications and that quite apart from the material benefits which we believe will accrue from Articles V and VI of the Agreement. Lastly, I think, that the value of this Agreement cannot be exaggerated. In my view such friendly agreements will help more than anything else to relegate the safeguards when they come to a region where they will lie unused and, I hope, forgotten by both sides. Now, Sir, I do not propose at this stage to say anything more than to ask Honourable Members to apply the cold light of reason untinged by prejudice, sentiment or politics, to the examination of this Agreement. If they do this, I have no doubt what the verdict will be. I shall be very happy at a later stage to give a detailed reply to anyone who is afflicted with honest doubts on any point and I hope that those who put me questions will be open to reason and argument. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, be taken into consideration."

To this motion, notices of amendments have been given by three Honourable Members, Mr. Sami Vencatachalam Chetty, Babu Baijnath Bajoria and Mr. K. L. Gauba. The amendments of Mr. Chetty and Mr. Gauba are practically the same. There is some difference in the amendment of Mr. Baijnath Bajoria. The Chair wishes to announce to the

House the procedure it proposes to follow. The Chair will call upon the gentlemen who have given notices of amendments to move their amendments and to say whatever they wish to say in support of them and then there will be a general discussion on the amendments and the original motion, and, afterwards, when the debate is concluded, the Chair will put to the vote the question regarding these amendments.

Mr. K. L. Gauba (East Central Punjab: Muhammadan): Mr. President, for the original motion I beg leave to move the second amendment standing in my name, namely:

"That this Assembly, after duly considering the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, is of the opinion that inasmuch as the said Agreement is unfair to India, the Government of India should terminate it forthwith."

Sir, I should first congratulate the Honourable the Commerce Member on his very clear and lucid exposition of the Government case. To a newcomer to this House, it was a splendid example of how to put a case—how to put a weak and a bad case. (Ironical Cheers.) Sir, so far as we, on this side of the House, are concerned, so far as I am concerned, I will certainly approach this question unconnected with politics, uncoloured by prejudice; I will certainly approach this question with that cold reason with which the learned Commerce Member desired Members of this House to approach the question.

There are two questions before this House. Firstly, the manner in which this Agreement was entered into by the Government of India, and, secondly, the contents of this Agreement. Sir, I am not one of those who say that the Government of India should consult commercial opinion in every matter that goes on in Government circles. Sometimes the very best arrangements are carried out in secrecy. Some of the best commercial treaties are entered into when nobody is taken into confidence and when one Government is closetted with another Government behind closed doors, and then, it sometimes happens that the best commercial treaties emerge. Sometimes, Sir, great achievements, great things are done behind closed doors. Recently, some of the Members of this House, some of the Members on both sides of the House, must have seen a film produced in England with George Arliss as Disraeli. He entered into very secret and confidential arrangements. He acquired the Suez Canal for Great Britain by secret negotiations. Sir, one admired those secret negotiations. Now, Sir, one would like to know what is the result of these secret negotiations that India has obtained from this Agreement? Well, Sir, I read this Agreement very carefully, expecting that the Government of India had also gained great concessions for India as the result of their secret negotiations with Whitehall. So far as I am concerned, well, I have looked into this Agreement coldly, dispassionately, and I can see nothing in this Agreement that India has obtained. (Hear, hear.) The Agreement, so far as we can see on this side of the House, is an entirely one-sided agreement. India has given away everything and has got absolutely nothing. (Loud Applause.)

Mr. President, let us look at the contents of the Agreement equally, calmly, equally dispassionately. The learned Commerce Member said that this Agreement was no new thing; it was merely the crystallisation of the past fiscal practice of Government. Well, Sir, if the past fiscal practice is represented in this Agreement, then all I can say is, that

[Mr. K. L. Gauba.]

Honourable Members on this side of the House have no other option but to decide to condemn that fiscal practice. Sir, our main objection to this Agreement is this, that this Agreement is marked for its looseness of expression, for its one-sidedness, for its unfairness to this country.

As regards the looseness of the expression, I would only refer you very briefly to the preamble of this Agreement. The preamble reads:

"His Majesty's Government in the United Kingdom and the Government of India hereby agree that, during the continuance of the Ottawa Trade Agreement, the following undertakings on the part of His Majesty's Government in the United Kingdom and of the Government of India shall be deemed to be supplementary to that Agreement."

Sir, as regards this, if this Agreement related to a particular time or a particular period, then it was very easy to make that clause as clear as possible. What happens when the Ottawa Agreement terminates? The clause merely says that this Agreement is supplementary to that Agreement while that Agreement lasts. The vagueness of the expression is clear. What happens when that Agreement terminates is nowhere mentioned in this Agreement, it does not say that this Agreement will also terminate after that Agreement. Now my learned friends opposite might smile; but, Sir, anybody who knows the elements of conveyancing knows this thing—that whatever is the intention ought to be expressed explicitly, clearly, definitely, without any doubt and upon which there can be no doubts in the future.

As regards the clauses relating to commercial discrimination, you have, Sir, Article 3, sub-clause (3). Under that:

"the differential margins of duty established in accordance with the principles laid down in the preceding clauses of this Article as between United Kingdom goods on the one hand and foreign goods on the other, shall not be altered to the detriment of United Kingdom goods."

In this connection, I would ask Honourable Members to realise that we are shortly to have a Constitution in which there are various clauses against commercial discrimination. I say, Sir, it is open in the future for any Governor General to say that "you have entered into this Agreement and the Act you intend to pass amounts to commercial discrimination, and, therefore, you shall not legislate in any matter relating to the matters covered by this Agreement". Sir, the point that we have to see is that so far as India is concerned, India is trying itself to various undertakings put down in very loose and very vague forms. These clauses will be subsequently interpreted in any manner that might be advantageous to one side.

The whole question in this Agreement is: "What does India get out of this Agreement? Is there any *quid pro quo* for India?" For instance, when the Japanese Agreement was entered into between the Indian representatives and Japan, there were a certain number of bales of manufactured products to be received on the one side, in return for a certain number of bales of raw product, to be accepted by the other side. That was a definite and a clear agreement. There was a certain amount of "give" and a certain amount of "take" in it. 'You take my goods and I will take your goods'. That is a fair and straight-forward position; it can legitimately be the basis of a commercial treaty. But, in this Agreement, so far as the Government of India are concerned, they give various

undertakings. For instance, they say: "We will allow you to get the protection, which we have accorded to our industries, re-examined. We also give you an undertaking that in certain cases we will not put on tariffs, and if we do put on tariffs, we will give you preferential tariffs". All these undertakings are one-sided. What is the return which His Majesty's Government give to India? The return is merely this: "We will invite the Dominion Governments to look into your products; and we, in particular, draw your attention to the steps which we have taken in Lancashire for the introduction of your goods". That is the long and short of what India gets. The Government of India's attention is drawn to the grand and magnificent efforts which Whitehall has made in regard to the introduction of Indian goods.

Sir, I will once again, in conclusion, remark that so far as most of the Honourable Members on this side are concerned, we are not opposed to a commercial treaty with the United Kingdom. Let there be a commercial treaty by all means. Now that the new Constitution is coming on, by all means settle the commercial rights on a fair and square basis; and when you are giving away something, take commercial opinion into your confidence, in order that there might be something tangible that you might be able to get from the other side. But to shut the doors and enter into a trade contract in terms like these, which are not only vague but indefinite in time, indefinite in purpose and indefinite in objective, is certainly bound to be dangerous. It is always liable to be wrongly interpreted. With these words, Sir, I move my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

"That this Assembly, after duly considering the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, is of the opinion that inasmuch as the said Agreement is unfair to India, the Government of India should terminate it forthwith."

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Sir, I beg to move:

"That for the original motion, the following be substituted:

"That after due consideration of the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, this Assembly disapproves the Agreement and recommends to the Government of India to terminate the same forthwith."

Sir, though I am not unaccustomed to address legislative bodies, I feel rather diffident from what I have observed during the last three or four sittings of this Assembly. I am accustomed to see the Government getting angry when they have very bad cases to present, but here in this Assembly I really see a welcome change, though a very insidious change. They do not get angry, but they certainly present a wrong case and make it appear to be a correct one. (A Voice: "This is dishonesty".) I am afraid from what I have been noticing of the presentation of the cases by the Honourable Members of the Government that they are laboriously trying to compile a dictionary mistaking antonyms for synonyms.

Sir, this Indo-British Agreement is justified on three grounds. Firstly, it was said that it was only supplementary to the Ottawa Trade Agreement which, at any rate, at one time received the sanction of this House. Secondly, the Honourable the Commerce Member said that it was merely crystallising the existing practice of discriminating protection to Indian

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industries and again he said that it was only in pursuance of the discriminating protection policy that had been adopted by this Assembly on the 16th February, 1923. Let me deal with the first of these points, namely, that it is only supplementary to the Ottawa Trade Agreement. I challenge the Honourable the Commerce Member to say if there is a single indication in the Ottawa Trade Agreement that the Government of India could at any time consider the question of discriminating protection under the so-called Ottawa umbrella. What was stated in the so-called Trade Agreement is the question of conceding discriminating preference to British and Empire goods as against the foreign goods and not discriminating protection. With regard to the crystallisation of the existing practice, I ask the Honourable the Commerce Member to tell me who had entertained first doubts about the policy that is being adopted by the Government of India in order to necessitate the crystallisation of their policy? Was there any such indication from the indigenous industries or Indian commercial opinion that there has been considerable misunderstanding with regard to protection policy, and, therefore, they wanted the crystallised opinion of the Government of India? I take it this misunderstanding arose on account of the doubts raised by the industrialists at Great Britain. If that be so, is it not due to the commercial opinion in this country to consult them with regard to the doubts that have been raised with regard to the discriminating protection policy of India by the English industrialists and ask them to express their opinion on these matters? Thirdly, with regard to the point that it is only crystallising the policy of protection that has been laid by the Assembly on the 16th February, 1923, I shall be able to point out, if there is time at my disposal, that this so-called crystallisation is not in pursuance of the Assembly Resolution of the 16th February, 1923. With regard, again, to the first point, namely, that it is only supplementary to the Ottawa Trade Agreement, I suppose the Government are painfully aware that the Ottawa Trade Agreement itself became the election plank of commercial constituencies. The commercial constituencies have given an unmistakable evidence of the fact that they not only do not endorse this Ottawa Trade Agreement but are anxious to take the earliest opportunity to terminate it. Does not that show that the commercial opinion and the industrial opinion of this country is decidedly, and definitely against the Ottawa Trade Agreement? Do not justice and responsibility demand that the Government should take the earliest opportunity of taking the verdict of this newly formed Assembly with regard to the Ottawa Trade Agreement, and does it not look monstrous that this Government should add to it this Trade Agreement as supplementary to the Ottawa Trade Agreement, which has been characterised as detrimental and injurious to the interests of this country? Well, Sir, it is said again that it was done in the commercial and industrial interests of India particularly. His Excellency the Governor General, when addressing the Assembly, said the other day that this particular pact would confer a profound benefit on the political and trade relations of Great Britain and India. I suppose there is some slight modification of this in the statement of the Honourable the Commerce Member. The Honourable the Commerce Member is definitely of opinion that this Trade Agreement is beneficial, or, at any rate, it does not take away the existing interests of Indian industrialists, whereas His Excellency the Governor General said that this Trade Agreement would confer a profound benefit on the political and trade relations of Great Britain and India.

the Honourable the Commerce Member has appealed to this Assembly not to import prejudice, not to import politics and not to import passion and not to import anger. May I make a similar appeal to the Honourable the Commerce Member and ask him whether political considerations did not intervene in the determination of this Trade Agreement (Hear, hear) (Applause), whether it was not a question of a subordinate legislature, of a subordinate Government being dominated by imperial considerations of an Imperial Government? I challenge the Honourable the Commerce Member to place on the table of the House all the correspondence that must have passed between the Government of India and the Secretary of State and the Board of Trade in England and our High Commissioner in England. That would show definitely that it was the British commercial and industrial interest that has been wagging the head. With regard to this Agreement, both the parties concerned, namely, the English commercial interests and the Indian commercial interests are agreed with regard to the import of the terms and the meaning of the respective words. Now, the Honourable the Commerce Member said that India has given nothing and that it only crystallises the existing practice. I would only like to answer the Honourable the Commerce Member in the words of Sir William Clare-Lees. He said on January 11 in London addressing the members of the Lancashire Textile Mission in India:

"I do not suggest that it is perfect from a Lancashire point of view or that we should not have wished for more concrete undertakings regarding our trade, had it been possible to obtain them. If the position created by the agreement is compared with that which existed before, it will be seen that a marked improvement has been brought about. Before the Ottawa Conference we were unable to obtain any assurances as to the duties on cotton and artificial silk goods because the Indian tariffs on these articles were under review by a Tariff Board. That Tariff Board had no obligation to bear in mind the interests of British trade. Lancashire very properly felt this position should be rectified in view of the notable advantages conferred on India by the Ottawa agreement and when the Lancashire mission made representations to the Government of India, they emphasized very strongly the desire of the trades they represented to be brought within the ambit of the Ottawa agreement."

Continuing, Sir William Clare-Lees says:

"that the new agreement begins by recognizing that Indian industry may require a higher level of protection against foreign than against British goods, and, furthermore, definitely brings protective duties in India under the Ottawa umbrella. It contains undertakings that protective duties will only be imposed or amended after due inquiry by a tariff board, and it lays down clearly the principles which tariff boards will be required to observe, notably that duties shall only be as high as is necessary to equate the prices of imports from the United Kingdom with the fair selling prices of similar goods produced in India and that United Kingdom industries shall have full opportunities to state their cases and answer the cases presented by other interested parties. It also provides that any differential margin established in accordance with the principles it contains shall not be altered to the detriment of United Kingdom goods, except, of course, on grounds of revenue, a point which I shall deal with separately. It does not require much reflection to see what an immense difference this makes in the future outlook in these matters."

Yet the Honourable the Commerce Member has the hardihood to suggest that India did not surrender any of her advantages.

Again, Sir, with regard to the possibility of British interests interfering even with the revenue side of the Government of India, Sir William Clare-Lees lays down emphatically that he will devise some means by which he will interfere even with our budget. Let me read his words:

"Instead of being without acknowledged rights and entirely at the mercy of other parties, we now have for the first time very definite rights under which we can advance our legitimate case with the assurance that it will be weighed and considered

[Mr. Sami Vencatachelam Chetty.]

in the light of established principles which are inherently equitable. This is a great advance and if we regard it as a first step in the policy of reciprocity which is capable of further extension, given effort and goodwill on both sides, we have every reason to be satisfied with it at any rate so far as concerns the fundamental principles which it lays down.

There are, however, at least two difficulties which unfortunately the agreement does not entirely surmount."

Be it noted that the Honourable the Commerce Member said that India had surrendered nothing, but Sir William Clare-Lees has got another recipe for even surmounting that difficulty. He says:

"The first arises from the fact that in India import duties constitute a vital part of the revenues of the State and cannot be fixed without regard to the revenue position. We are entitled to use the argument that when duties are increased beyond a given point, the law of diminishing returns is bound to operate and if times improve as we all hope they may, I personally do not see why revenue considerations should point to a higher level of duty than would be justified under the other provisions of the new agreement.

The second difficulty is associated with the first. The new agreement does not bring us any immediate reduction in the duty or any immediate prospect of increased trade."

This was uttered on the 11th January, but the Government of India, subsequently were so obliging as to give way even with regard to the second requisite, for in the annexure to the Trade Agreement itself, there is a definite promise undertaking to reduce the duties. This is what it says:

"The tariff rates on United Kingdom cotton piece goods will be reduced to 20 per cent. *ad valorem* or 3½ annas per pound on plain grey goods, and 20 per cent. *ad valorem* on other goods, provided that on expiry of the period of the Agreement of 28th October, 1933, between the Lancashire Delegation and the Millowners' Association, Bombay, the duties on United Kingdom goods for the remaining period of protection will be fixed on a review of conditions then existing and in the light of such experience as may have been gained."

Sir William Clare-Lees says further:

"The new Agreement does not bring us any immediate reduction in the duty or any immediate prospect of increased trade. The explanation is that the duty can only be reduced when revenue considerations permit of the removal of the surcharges. We have a very clear promise on that heading and we shall look hopefully to the next Indian budget."

Sir, with regard to the position taken by the Honourable the Commerce Member that it was entirely in consonance with the Resolution of discriminating protection of the Government of India as passed on the 16th February, 1923, I hope to be able to convince every dispassionate Member of this House that what was contemplated was not what was actually done by the Honourable the Commerce Member on the 9th January. Sir Charles Innes moved:

"That this Assembly recommends to the Governor General in Council that he accepts in principle the proposition that the fiscal policy of the Government of India may legitimately be directed towards fostering and development of industries in India."

I ask, Sir, whether the spirit of this Resolution has been carried out by the terms of this Indo-British Trade Agreement, whether it was not a question of making protection that may be granted by the Government

f India to be the subject matter of discussion with a rival party, a party who does not want protection to Indian industries, a party in whose interests it is not that protection should be granted to Indian interests, I ask, Sir, whether such a course would be a course towards fostering Indian industries? The Resolution further says:

"(b) In the application of the above principle of protection regard must be had to the financial needs of the country and of the present dependence of the Government of India on import, export, and excise duty for a large part of its revenue."

This clause is intended for the guidance of the Indian Government, or the Indian people and for the Indian Legislature. It certainly does not give room for any rival person to say: "Well, by application of this principle of protection to a particular industry you are reducing your revenues. Therefore, you shall not do it but you must keep up the revenues by not offering the protection that is necessary in fostering a particular industry". It should not be possible for a foreigner and for a rival to be contesting our principles and dictating to you your revenue policy. It is a guidance for the benefit of the Indian consumer, for the Indian industrialists and for the Indian public to ask their opinion whether having regard to the position of the Indian Government at a particular time it would be possible and advantageous and necessary to foster a particular industry and forsake the revenue under customs duty. It certainly does not give room for any other interested party to come and say: "I am afraid, Sir, the Government of India's revenue position would be endangered by fostering a particular industry and by offering a certain amount of protection to a particular industry, and, therefore, you shall keep up the revenue position and you shall not foster an Indian industry by giving protection".

Then clause (c):

"That the principle should be applied with discrimination, with due regard to the well-being of the community and subject to the safeguards suggested in paragraph 97 of the Report of the Fiscal Commission."

I agree that this only means that the Government of India must be prepared to give protection to such industries as the protection given might result in the maintenance of that industry independent of protection later on. It must be such as to develop it to an extent that it would be able to stand on its own legs. Certainly it is not intended that any other rival party should come and say that the amount of protection we are giving is against our own consumer. That is my business; it is the business of the Indian Legislature and it is for the Indian Government to safeguard the interests of the Indian consumer. It is certainly not for the trading and commercial interests of a foreign country which wants to compete with our goods in our own market.

Clause (d) runs thus:

"That in order that effect may be given to these recommendations, a Tariff Board should be constituted for a period not exceeding one year in the first instance, that such Tariff Board should be purely an investigating and advising body and should consist of not more than three members, one of whom should be a Government official, with power, subject to the approval of the Government of India, to co-opt other members for particular inquiries."

If a Tariff Board is necessary it is in order to see that the Indian consumer is not defrauded by pseudo-Indian industries. Supposing an Indian industrialist applies for protection to the Government of India for

[Mr. Sami Vencatachelam Chetty.]

a particular industry, the Government of India in the interests of the large numbers of people ought to be convinced that there is scope for that industry, that the profits that it is likely to make will not be such that merely on account of the protection they will defraud the public and take more from them. That is the consideration which the Tariff Board has got to examine. In examining that it may be necessary for their own guidance and in order to arrive at a proper, just and correct decision on that point, to take advice from other industries and other countries. It does not, therefore, mean that simply because you have been seeking the advice of other people in the matter of giving protection to industries, therefore, it should be a matter of right for the other man to butt in whenever there is a Tariff Board inquiry and say that this Indian industry does not require such protection as it is demanding.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time limit, but the Chair will give him a few minutes more.

Mr. Sami Vencatachelam Chetty: Therefore, all that I submit is that this is a new departure. It is no good merely justifying it either under the Ottawa pact or under the plea of crystallising the practice that has been obtaining or merely being guided by the protective policy that has been laid down by the Assembly so long ago as 1923. It is justified by Government taking the ground that it is no new thing and that it was not necessary to consult commercial opinion. I put it in this way, that they knew that commercial opinion would be opposed to it and they did not have the courage to consult commercial opinion. At any rate, in view of the fact that the United Kingdom Government have been consulting the commercial and industrial opinion in England, from time to time, even with regard to the so-called crystallisation of opinion or crystallisation of practice or even with regard to matters in which they want to take everything possible from India and do not give anything, it should have suggested to the Honourable the Commerce Member, in fairness to commercial opinion, to consult the people before they signed this Trade Agreement. I want to be charitable to Government and concede that they were coerced into signing this Agreement instead of considering it on equal terms. Sir, it would have been noticed by both Government and the public that since the publication of this Trade Agreement or at any rate since commercial opinion knew that something was coming on they have demanded that they should be consulted and yet they have been ignored. But since the publication of this Trade Agreement protests have been pouring in from every quarter and there is not a single Indian Chamber of Commerce which has not taken objection to this Trade Agreement. It is significant that European Chambers of Commerce are silent over it. Is it suggested that the commercial community do not know its own interests and that the Honourable the Commerce Member of the Government of India knows those interests better than the community itself? It is only Mr. Mody who has given a partial approval to this Agreement, but, as a matter of fact, he also has condemned it in all parts. He only said that an Indo-British Trade Agreement is necessary. But nobody objects to the absolute proposition that there is necessity for entering into trade treaties. It is necessary and it is also desirable for any responsible Government to enter into treaties of a commercial nature with other countries. But that does not mean that this

is an agreement in any sense of the term. It is merely a surrender of all rights that India may have with regard to the fostering of Indian industries.

Sir, one word more and I have done. The Honourable the Commerce Member appealed more than once to this Assembly to view it with a judicial frame of mind. I would rather request him to submit this Indo-British Trade Agreement to a really unbiassed judicial tribunal and ask them to give their opinion as to whether this was not a one-sided agreement, whether by this we are not giving scope for other rival interests to interfere into our economic and industrial policy. I believe, Sir, if you instead of sitting in that Chair, had been a High Court Judge and had been asked to give your judgment on this Agreement, it would be entirely in my favour. (Applause.)

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

"That after due consideration of the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, this Assembly disapproves the Agreement and recommends to the Government of India to terminate the same forthwith."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I beg to move:

"That for the original motion, the following be substituted:

"That the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, be either referred to a representative conference of various commercial interests in India or be circulated to all commercial bodies in India for obtaining their opinions at as early a date as possible and that the consideration of the said Agreement be postponed till this House is in possession of such opinions for arriving at a correct decision."

In moving this amendment, I am actuated not by any ill-feeling either towards the Government of India who are supposed to be the custodian of Indian commerce or towards His Majesty's Government who are, as well, the custodian of British commercial interests. I am perfectly positive that the Government of India, and especially the Honourable the Commerce Member, who fortunately is an Indian, must have tried his level best to protect the interests of commerce and industry in this country. But the Agreement as it stands abundantly proves that His Majesty's Government combined with the British mercantile interests proved too strong a match for the Government of India.

Now, Sir, my complaint is that the Government of India were to blame for their defeat in this struggle, as they never cared to take into confidence the commercial interests in this country. If the British commercial interests, through the Board of Trade in England, could be taken into confidence by His Majesty's Government, I do not see any justification for the Government of India not taking the commercial interests in this country into confidence, before coming to a final decision about this important Agreement and before signing the said Agreement. I think it is a huge farce to submit the Agreement to the consideration of this House, after the mischief has been done by signing the Agreement on our behalf. This motion reminds me of another motion which was made in the last Assembly for considering the question of the transfer of the Aden administration from the Indian Government to His Majesty's Government. In

[Babu Baijnath Bajoria.]

that case also, the Government of India, after acquiescing in the demand of transfer by His Majesty's Government, placed the matter before this House for consideration. The present Agreement from beginning to end abundantly proves that it is one sided and has been very carefully drafted to cover two things: firstly, the principle of Imperial Preference has again been accepted on behalf of India, in spite of the united protest in this country. To my mind, Government must now have been convinced, by the defeat of Sir Shanmukham Chetty at the last election, that India feels and feels very strongly too that the Imperial Preference agreed to at Ottawa is not in the best interests of this country. (Opposition Cheers.) The country has given its verdict in unmistakable terms, that it does not approve of the Imperial Preference by not returning to this House the champion of the Ottawa Agreement. If today the Government of India are to seek election on this issue, I am perfectly certain, that the same fate would have awaited them at the polls. But placed as the Government of India are under the existing Constitution, they are not afraid and as such they can sign with impunity such an Agreement as the one under discussion in the name of India, against the wishes of the nationals of the country.

Sir, representing a commercial constituency as I do, I cannot let go this opportunity of putting my emphatic protest against the principle embodied in Article 4, in which the Government of India have agreed to the demand of the British industries or that of His Majesty's Government to initiate Tariff Board enquiries whenever their interests would be at stake. In my opinion, this clause deprives the country of the right of exercising the privileges of fiscal autonomy which it has been enjoying for the last twelve years. Tariff Board inquiries are made by a Government in a country whenever any industry in the country demands protection to develop the industry concerned. Protective tariffs are granted to an industry after inquiry by a Tariff Board, whenever an industry in a country proves that it cannot develop unless some sort of protective barrier is raised to save it from outside competition. It is one of the oldest maxims of economics. But it is surprising that the present Government of India have propounded a new formula in economics, namely, whether protection to an Indian industry is to be continued or not may be raised by an outside competitor of that very industry. The economists of the world at large, and especially the international economists, would I think, applaud this formula as one of the novelties of the present century. Had the Indian Tariff Board been given unfettered discretion in the matter of selection of bodies from which they have to take evidence, I would have no objection if, in their discretion, they asked for evidence from British commercial interests. Even under the present constitution there is no bar to the Tariff Board to consult British interests. But what I emphatically protest against is the treaty obligation by which the Tariff Board will be bound in future to give the British commercial interests the opportunity of giving evidence before the Board whenever the question of protective tariffs will be considered by them.

Then, I come to Article 5 in which only promises of making every endeavour and efforts for the consumption of Indian raw materials and semi-finished products have been made. In a document like the present Trade Agreement, there are two parties. It is a surprise to me how the Government of India could accept the obligatory Articles like 3 (2), 3 (3) and 4.

whereas Article 5 concerning His Majesty's Government is merely optional. With your permission, Sir, I quote the exact words in the Agreement. Article 5 says:

"His Majesty's Government in the United Kingdom will give consideration to the steps that might be taken in co-operation with the respective commercial interests to develop the import from India of raw or semi-manufactured materials, etc., etc."

In Article 3 you will find:

"The Government of India further undertake that the measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices for similar goods produced in India, and that, wherever possible having regard to the provisions of this Article, lower rates of duty will be imposed on goods of United Kingdom origin."

The differential margins of duty established in accordance with the principles laid down in the preceding clauses of this Article as between United Kingdom goods on the one hand and foreign goods on the other, shall not be altered to the detriment of United Kingdom goods."

Article 4 says:

"When the question of the grant of substantive protection to an Indian industry is referred for enquiry to a Tariff Board the Government of India will afford full opportunity to any industry concerned in the United Kingdom to state its case and to answer the cases presented by the other interested parties. The Government of India further undertakes that, in the event of any radical changes in the conditions affecting protected industries during the currency of the period of protection, they will on the request of His Majesty's Government or of their own motion cause an enquiry to be made, etc....."

Compare these words in Articles 3 and 4 with the words in Article 5 where it says that His Majesty's Government in the United Kingdom will "give consideration"—mark the words. The Government of India give a definite undertaking, whereas the Government in the United Kingdom will merely give consideration. This conclusively proves that for the purpose of consumption of our raw materials His Majesty's Government will give consideration. I, therefore, ask the Government to explain the inner meaning underlying these words quoted by me.

Before I conclude, I cannot but draw a comparison between the last Indo-Japanese Trade Agreement and the present Indo-British Trade Agreement. On the last occasion, all the commercial interests in India were taken into confidence, whereas in the present case the usual hush-hush principles of the Government of India was observed. In the second place, in the case of Japan a definite quota of consumption of Indian cotton was fixed, and in the case of the present Agreement the Government of India were satisfied with the empty promises made in regard to the consumption of raw cotton from India. May I ask the Government of India why they looked with suspicion on Japanese commerce while the British commerce has been let off on mere promises? I will go a step further and state that in the case of the Indo-Japanese Trade Agreement a compulsory quota could be fixed only because the Indian commercial interests were there to advise the Government of India. It is my firm conviction that, had the Indian commercial interests been consulted in regard to the present Agreement, the Government of India would certainly have been able to make a better bargain with His Majesty's Government.

[Babu Baijnath Bajoria.]

Then, coming to Note No. 1, attached to the Agreement, I find that His Majesty's Government have undertaken to take steps to open markets for Indian cotton goods in Colonies and Protectorates. The sentiment underlying the Note is very good and I welcome it for all that it is worth. But coming to the practical field, let us examine what it is worth. The value of the export of cotton goods from India to Protectorates and Colonies is negligible in comparison with the value of the import of British cotton goods into India. It is, therefore, palpably preposterous to demand such advantages from India as has been done in the Agreement, by giving her in return a concession which has little practical utility and value.

The Federation of Indian Chambers of Commerce and Industry has severely criticised this Agreement and it goes without saying that the Federation represents a considerable volume of Indian commercial opinion and as such their views are entitled to great weight. At this stage, I would like to put the following questions to the Honourable the Commerce Member to answer. There is no gainsaying the fact that there is a lurking suspicion in the minds of a very large number of Members on this side of the House about this Trade Agreement, and I believe that if the Government can satisfy us on these points it will go a great way to pave the way for an amicable settlement on this debate. Sir, these are my questions.

(1) Will the Honourable the Commerce Member kindly inform this House when this Agreement expires?

An Honourable Member: Which Agreement?

Babu Baijnath Bajoria: This Indo-British Agreement.

(2) Will the Honourable the Commerce Member kindly inform this House as to the exact date when the Ottawa agreement is to expire?

(3) If the Ottawa Agreement or any other similar agreement is ever renewed, either in its present form or in an amended form, will this Indo-British Agreement automatically come into force, or a fresh trade agreement between India and the United Kingdom be necessary?

(4) With reference to Article 3 (3), will Government state clearly what is meant by the words "That the differential margin of duty.....shall not be altered to the detriment of United Kingdom goods". By way of example, I ask, if in accordance with the principles embodied in clause 3 (2), the protective duty against any British goods is levied at 15 per cent. and against foreign goods of the same class at 35 per cent., the differential margin being 20 per cent., and if at any subsequent stage, the cost of production of British goods comes down and there is no change in the cost of production of foreign goods, shall we be debarred from increasing the rate of duty against United Kingdom from 15 per cent. to a higher level to the same extent by which the cost of production there has come down thereby reducing the differential margin of 20 per cent. mentioned above?

Considering all these things, I would earnestly request the Government of India to postpone this discussion till either a representative conference of commercial interests in India is summoned or the Agreement is circulated to all commercial bodies in this country for their opinion. On receipt of such opinions, this House will be in a better position to judge the real value of the Agreement and to arrive at a correct decision as to whether the Agreement is really beneficial to Indian interests which the Government of India, the exponents of the Ottawa Agreement and the

exponents of the Mody-Lees Pact, claim or it is only beneficial to Lancashire cotton manufacturers and Birmingham and Leeds steel manufacturers. With these words, Sir, I beg to move my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

"That the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, be either referred to a representative conference of various commercial interests in India or be circulated to all commercial bodies in India for obtaining their opinions at as early a date as possible and that the consideration of the said Agreement be postponed till this House is in possession of such opinions for arriving at a correct decision."

Now, there will be a general discussion on the original motion as well as the amendments.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I respond to the appeal made by the Honourable the Commerce Member and propose to examine the terms of this Agreement in the light of cold reason. Sir, to me it appears that this is a question of fundamental importance, and it is a matter of great regret that such a question has been decided behind the back of the Legislature. The Honourable Sir Joseph Bhoré says that no new ground has been covered and no new principle has been adopted. But, Sir, a careful examination of the Articles of the Agreement will show that his view is incorrect. If we read Article 1 of the Agreement, we find that the principle and policy of Imperial Preference has been accepted in its entirety. . . .

The Honourable Sir Joseph Bhoré: No.

Dr. P. N. Banerjea: Sir, may I say a few words about the history of this question. In 1903, when Lord Curzon was the Viceroy of India, the question of Imperial Preference was examined, and the Government of India came to the definite conclusion at that time that it was not to the interest of India to adopt such a policy. Twenty years later, the Fiscal Commission examined the question again and came to the conclusion that it was not desirable in the present circumstances to adopt the policy of Imperial Preference. In 1927, Imperial Preference was sought to be introduced by the back door, and, in 1930, under the threat of strangling the cotton industry, it was again sought to be adopted. But on both these occasions the elected Members of the House refused to be a party to the recognition of that principle, and even the Honourable the Commerce Member made it clear that the House was not being invited to accept the principle of Imperial Preference. In 1930, Mr. Jinnah, Sir Purshotamdas Thakurdas and several other Members definitely said that they were going to agree to the adoption of that policy of giving preference to British goods only, because, otherwise, the cotton industry of Bombay would be ruined. In 1934, the question was again discussed, and on this occasion the Government again took up the attitude that, unless preference was given to British goods, the Bill before the House would not be passed. In view of these circumstances, we find that the Legislative Assembly has always been opposed to the acceptance of the principle or the policy of Imperial Preference, and, when it has submitted to that policy, it has done so under a threat. It may be said that

[Dr. P. N. Banerjea.]

1932, on the occasion of the discussion of the Ottawa Pact, the Assembly accepted the principle, but we know that this was done in a House which was devoid of the services of a section which was the most independent and the most public-spirited. (Hear, hear.) Even in that unrepresentative House, it was not the principle, but merely the policy of giving preference to a number of specified articles, was adopted.

So far as regards the principle of Imperial Preference. This principle is further emphasised in Article 3, clauses 2 and 3, of the Agreement. Not only that; but the fiscal autonomy convention, which has so long been regarded as a reality, is sought to be given up. With regard to this convention, we all know that the Joint Parliamentary Committee in 1919 laid it down definitely that it was desirable that when there was agreement between the Legislature of India and the Government of India the Secretary of State or the British Government should not intervene, and this principle was affirmed in the House of Lords by Lord Curzon and reiterated by successive Secretaries of State like Mr. Montagu and Mr. Wedgwood Benn. Even in this Assembly, Government Members have given repeated assurances that the fiscal autonomy convention is an integral part of the constitution. Now, are we not giving up this integral part of the constitution? Article 3 of the Agreement says: "The differential margins of duty . . . shall not be altered to the detriment of United Kingdom goods". It also says that: "lower rates of duty will be imposed on goods of United Kingdom origin". And these arrangements have been made behind the back of the Legislature!

Sir, these undertakings on the part of the Government of India involve the acceptance of three new principles and lines of policy; first, the application of the principle of discriminating protection is restricted; secondly, it commits us to the principle of safeguarding British industries; and thirdly, we part with a power to negotiate trade agreements with other countries on a fair basis. In Article 4 the right of this country to give protection to its own industries is further curtailed. Opportunity has to be afforded to rival British industries whenever an Indian industry asks for protection.

An Honourable Member: It is given now.

Dr. P. N. Banerjea: Sir, opportunities are given even now, but why are such opportunities given? It is because India is subject to Britain. Is there any free country which gives opportunities to other countries to show that the industries of that particular country may not benefit?

Mr. F. E. James (Madras: European): Yes, Canada, Australia.

The Honourable Sir Joseph Bhole: Canada.

Dr. P. N. Banerjea: But it goes further. Not only are opportunities to be given at the time when an industry asks for protection, but also during the currency of the period of protection. This lays down, I submit, a new economic doctrine, and the demand appears to me to be a preposterous one. This demand has been made because India is subject to Britain. But is it right and proper that such unfair advantage should be taken of the political relations between the two countries?

Now, Sir, in return for these concessions which we have to make to Britain, what are the concessions which Britain make to us? We find that Britain undertakes to consume our raw cotton to a greater extent than hitherto. So far so good. We want our cotton to be consumed to a greater extent in Great Britain and in other countries. But what is the exact value of this concession? During the year 1933-34, I find that there has been a considerable increase in the cotton exports of India to the United Kingdom; these exports have increased from nine per cent. to twelve per cent. But we should not forget that even now 88 per cent. of the raw cotton of India goes to foreign countries, and is it desirable on our part to antagonise these good customers of ours? Next, the British Government say that, they will continue the admission of pig-iron free of duty into the United Kingdom. This is no new undertaking, but is the continuance of the present arrangement. In this connection, I may point out that, although there has been some increase in the quantity of pig-iron imported by the United Kingdom from India, there has been a decrease in value. Further, I wish to point out that the United Kingdom is now steadily diminishing her imports of pig-iron from other countries. Therefore, India does not stand to gain very much by the admission of pig-iron into the United Kingdom free of duty.

It is thus clear that, if we stick to this Agreement, we bind ourselves to do several things. First of all, we have to accept to the full extent the principle and policy of Imperial Preference. Secondly, we have to restrict the scope of the policy of discriminating protection which has been accepted by the country. Thirdly, we agree—we undertake—to safeguard and protect British industries. And fourthly, we give up the fiscal autonomy convention. And as against these, we get very slight benefits—benefits which are not of very great value.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Dr. P. N. Banerjea: Sir, I will conclude in a minute. Is this real reciprocity, I ask? Is there any *quid pro quo*? Sir, the self-respect of this House demands, and the interests of the trade and commerce of this country demand, that we should resist, to the best of our ability, the continuance of the present arrangement which is not only unfair, but wholly inequitable. I have great pleasure in supporting the amendments moved by Mr. Gauba and Mr. Chetty.

Mr. J. Ramsay Scott (United Provinces: European): The Trade Agreement may be divided into two parts, the first being the theory or principle and the second the practice or action. Now, there is nothing new in either the principle or the action and the Agreement only sets out in black and white the ideas which the Government of India have tried to act up to in the last decade.

I am in thorough agreement with the principle of this Agreement, and I maintain that this Agreement is in the best interests of India and of Great Britain and is a first step in the right direction and establishes, once and for all, that India has complete freedom and control over her tariffs for whatsoever purpose such duties may be levied. The duration of this Agreement is for the period of the Ottawa Agreement which has only one year to run, but, I feel sure, that the Ottawa Agreement will be and has been of so much use to India that it will be renewed.

[Mr. J. Ramsay Scott.]

Now, I will give you three reasons why this Agreement is for the good of India. His Majesty's Government now recognise, firstly, that the Industries of India may require protection even against imports from Great Britain, secondly, that import duties are indispensable to the Government and that revenue considerations must be given weight, thirdly, that financial stringencies may require an all round surcharge. These three facts show that Great Britain absolutely and without any equivocation admits the Fiscal Autonomy of India. That in itself means the start of a new era for India and a very definite advance on the road towards Dominion Status or whatever name you may give the goal towards which we have set our face. But, there are several buts which I will bring to your notice and to which I would like a reply from Government. During negotiations, it is said that, the British Government consulted various British trade interests, and I consider that the Indian Government should have done the same. It is no reply to say that there was nothing new to discuss and that, in my opinion, is just the case where it would have done no harm. It is just such tactless actions which lead to suspicion. I may say that I should have thought that the Indo-Japanese deliberations would have shewn the Government the use of the strength of a united front, and I maintain that in this case consultations would probably have meant the whole country behind the Agreement instead of a few voices very much against it. The industrialists of this country would like to feel that the Government of India have their best interests at heart and is sympathetic to their grievances.

The second point is that no protection will be granted without a Tariff Board inquiry, and, may I ask, what is the good of a Tariff Board report which is locked up in a Government safe for two or more years before it sees day light and is acted on? Such procedure is no use to the industry, and is, moreover, a sheer waste of public money. The results of the inquiry should be made public within six months of the report being presented to Government and all the recommendations should be given effect to and not just one or two which suit Government. When a case for protection to an industry is made out, the whole industry should be protected, and, as an instance, I can only quote the cotton hosiery industry where knitted apparel has been left out. The glass industry was reported on in April, 1932, so that three years have elapsed since the inquiry was made and nothing has been done. Thirdly, there is mention that agreements between Indian and British interests will be received and considered. I have so far only seen one Agreement which has been acted on and that only in part. I press that other Agreements should receive consideration. Fourthly, the fixation of a fair selling price. India will not be satisfied until the Indian Government realise, as the British Government have done, that India has a right to her own markets and Indian industries should be protected throughout the whole of India. Industries have a right to expand and their expansion is necessary for the absorption of the increasing population. For instance, the products of sugar factories in Bihar, Punjab or the United Provinces have a right to compete in the port markets of Calcutta, Bombay or Karachi or elsewhere with the imports from foreign countries, and no "fair selling price" will be a fair selling price until railway freights are considered. At present discriminating protection is protection which holds good in a small and limited sphere and tends to restrict the development of the industry. These four points in no way affect the principle of the Agreement, and, I feel sure, the

Government will be able to satisfy any doubts I have expressed. The British Government will continue to admit pig iron free in Britain and has also promised to assist imports of raw material. These concessions and the promise are no mere words, for Great Britain had done wonders in the way she has increased her consumption of Indian cotton in the short time the Ottawa Agreement has been in force. Mr. President, I have examined this Agreement very carefully, and, as I have already said, there is no clause or word in it which is in any way detrimental to the best interests of India, and, I feel sure, that the Indian Government will act with scrupulous care and see that the industrialist in this country is assisted to the best of their ability. In conclusion, I would say that my interests are the same as those of other Honourable Members. Indian interests are the same as those of Europeans and the interests of Cawnpore the same as of Ahmedabad. I, therefore, oppose both the amendments and whole-heartedly support the Resolution of my Honourable friend, Sir Joseph Bhore.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, last year, we helped the Honourable the Commerce Member to give a decent burial to that pact known as the Mody-Lees Pact. We thought the spirit of that Pact was well at rest, but what do we find this year? The skeleton of that Mody-Lees Pact has been brought out and it is now appearing before us as a fearful ghost in medieval armour and wherein the Knight, Sir Homi Mody, clanks his chains and armour plates, and that happens to be the Indo-British Trade Agreement. The Honourable the Commerce Member said that no new principles had been initiated, and, therefore, there was no necessity to consult the Indian mercantile community, because he had all the consultation he wanted from my Honourable friend, Mr. Mody, last year. And what Mr. Mody and Sir William Clare-Lees said, we thought, were the last words, but the Honourable the Commerce Member managed to forget that that particular Pact met with the whole-hearted condemnation of every section of the Indian commercial community barring Mr. Mody's sweet soul. (*An Honourable Member*: "No, no.")

Sir, I believe, whenever the Viceroy addresses this House, the Departments write out the portions of his speech concerning them, and, I imagine, the Honourable the Commerce Member or the Secretary of the Commerce Department wrote out the speech of the Viceroy on this point and what does it state about the Indo-British Trade Agreement? It says:

"There was signed on the ninth of this month a Supplementary Agreement between the Government of India and His Majesty's Government in the United Kingdom which covers the important field of protected commodities which was left untouched by the main Agreement of 1932. It is in the nature of things that the later Agreement should differ in its character from the earlier one. It relates not so much to the tariff treatment of specific commodities as to the general principles governing the exercise of our present policy of discriminating protection."

Sir, either the Viceroy does not know English . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

Mr. B. Das: I do not mean any disrespect, Sir, or I do not know English, being trained under Indian teachers. I understood from this speech, coming as it did from His Excellency the Viceroy, that this Indo-British Trade Agreement meant the application of the little principles of the Mody-Lees Pact, enlarged into general principles which would cover

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and apply to all protected commodities. The Ottawa delegates of India had that apprehension at Ottawa and they paused many times before they expressed any opinion. If these are no general principles to the Honourable the Commerce Member, then I would say he has failed to appreciate the demand of the commercial community of India. Sir, a Bombay paper, the *Financial News*, has characterised this Indo-British Trade Agreement as "the British Trade Ordinance for India". Sir, that is a happy expression. We have had so many Ordinance Acts in this House and I congratulate Mr. Chunilal B. Mehta on having coined that phrase. Sir, this Indo-British Trade Agreement appeared to me as an enlarged edition of the Mody-Lees Pact. I would just like to state that this Pact was once referred to rather wittily by my Honourable friend, the Finance Member, in one of his speeches in the last Assembly Session. He used a rather witty sentence and I had better quote it:

"Mr. Mody has been abused in England for having sold Lancashire for what is vulgarly called a pup; he has been abused in India for having sold the pass."

Sir, that illustrates the point that the Mody-Lees Pact met with no appreciation either in England or in India. Sir, my Honourable friend, Mr. K. C. Neogy,—and I deplore his absence from the floor of this House, and nobody deplores that more than I, Sir, who worked for eleven years whole-heartedly as his staunch lieutenant—Mr. Neogy reminded Mr. Mody, while we were discussing the Textile Tariff Bill, as to what was the actual principle behind the Mody-Lees Pact. And what did the British commercial opinion want? They were afraid of the new Constitution. Nobody has referred to the new Constitution, nor am I referring to the J. P. C. Report which will be discussed next week. I shall give a sentence which Mr. Neogy quoted for the refreshing of the memory of my Honourable friend, Mr. Mody:

"This was the result of Mr. Mody's Agreement conversation and the Agreement that was reached:

"It seems to the organisations that their wish for the inclusion of safeguards in the Constitution should not be regarded other than as a desire for a form of insurance against contingencies which, although possibly unlikely to arise, cannot be overlooked."

Sir, before we have got the new Constitution, before we have even discussed the J. P. C. Report, the Insurance Act for British Trade in India has already been passed. Sir, we all know that this Indo-British Trade Agreement had been discussed in London, but I do not know how our old friend, Sir Bhupendra Nath Mitra, came into the picture. We never heard before that the High Commissioner was negotiating this Agreement with Mr. Runciman of the Board of Trade. My Honourable friend, Munshi Iswar Saran, points out to me that it was the Secretary of State that was negotiating, but in the end somebody must be made the cat's paw and Sir Bhupendra Nath Mitra was made to sign this ghost-like ghoulish Indo-British Trade Agreement.

Sir, I was reading only this morning of the Irish Trade Pact signed the other day, and Mr. Thomas, Mr. Joshi's comrade (Mr. N. M. Joshi: "Not now") says this. What does he say? Mr. Thomas, in the House of Commons, a day or two ago, referred to the recent Anglo-Irish Agreement for the exchange of coal and cattle and he estimated how much coal and cattle could be actually exchanged. Mr. Thomas described the arrangement as satisfactory to both sides and beneficial to Britain. Sir, I would

like to ask the Honourable the Commerce Member one question. What is the basis of this Indo-British Trade Agreement? Is there any principle, is there any basis behind it? The Honourable gentleman took pride in the Indo-Japanese Agreement. I did congratulate him last year on those negotiations and I asked him—why should not the principle of the Indo-Japanese Trade Agreement be applied to this Indo-British Trade Agreement? Where is the quota system? Mr. Mody, with his magnified pair of spectacles, examined Dr. Meek's Report when it was placed before you, Sir, when you were a Member of that Assembly Committee last Session which reviewed the working of the Ottawa Trade Agreement. Of course, Mr. Mody, who deals in big finances in Bombay, felt satisfied that the Indian exports had become doubled and trebled, but did he weigh the quantity of cotton that went to London, and consider whether it was due to the Mody-Lees Pact or the Ottawa Agreement or whatever it was? But, anyway, it satisfied his soul.

Mr. F. E. James: Might I ask my Honourable friend a question? I am not tripping him up, but asking a genuine question. If my Honourable friend says that the United Kingdom should take a quota of Indian cotton, is my Honourable friend also willing to agree that this country should take a quota of British piecegoods as a *quid pro quo*?

Mr. B. Das: Without confining myself to piecegoods, I would say that I am quite agreeable to a *quid pro quo* basis of agreement with Britain. This is not the first time I have said that; this is the fourth time I have said that on the floor of this House and I would ask my Honourable friend, Mr. James, to refresh his memory by reading the note of dissent I wrote on the Indo-British Trade Agreement in the Select Committee's Reports on the Textile Bill and the Steel Protection Bill. But Britain wants to be the Master. Sir, I have looked into this Agreement. Sir Bhupendra Nath Mitra, on behalf of the Government of India, undertakes three times, and the Master, the British Government, undertake only once. And what is that undertaking? It is no undertaking at all. The British Government would like to ask the Colonial Governments to take more of Indian piecegoods and Indian commodities. Let the majority Assembly Committee opine that India has derived no benefit from the Colonies through the Ottawa Agreement. Sir, I thought that Mr. Runciman was talking with his tongue in his cheek, because, if he was the right Minister of the Board of Trade, he ought to have known that Australia, Canada and South Africa have repudiated the Ottawa Agreement. The Ottawa Conference was a failure, and if it became successful, it was merely due to the machinations of the Government of India, by means of which they put through the Ottawa Pact in the teeth of the Opposition on the floor of this House. Sir, I was referring to the Assembly Committee's examination of the Ottawa Agreement, and I do not wish to refer to the Chair, but the fact remains that you, Sir, and Mr. K. C. Neogy were responsible for the minority report. These two gentlemen, who were the jewels of the Opposition of the last Assembly, did not sign the majority report which so many other people did sign. Of course, there is an admirable note by Mr. Sitaramaraju, but he did sign the majority report. Sir, you have laid down the demand of India in one paragraph which I will read to the House. Mr. James was a member of that Committee and he must have read that paragraph. That paragraph contains the national demand

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of India for any trade agreement, be it with England, or with Japan or with Ireland or with Italy. This is how the paragraph runs:

"Having regard to the economic policies adopted practically by all countries, trade agreements on the basis of mutual interests seem to be inevitable. We, therefore, recommend to the Government of India that they should take immediate steps to come to definite agreements on the system of quotas with all important countries that deal with us including the United Kingdom (*Mr. James to please note that there is no boycotting*), so that our trade position may be established on a surer basis."

I stand by it and the whole country will stand by it. The mercantile community all over India and the various Indian Chambers of Commerce will stand by it. But a little private talk in the parlour between Master Mody and Sir William Clare Lees has been magnified and has ended in a Trade Agreement which is not an agreement, but dictation of the Master to his Subordinate.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. B. Das: I will soon conclude my remarks. I know, Sir, that the Government of India were negotiating with Italy an Indo-Italian Trade Convention. They were also negotiating with Ireland an Indo-Irish Trade Agreement. I do not know whether these will come off or not, but I do know this that when the Government of India are not dictated by their Masters in Whitehall, they apply principles that they applied to the Indo-Japanese Convention. Sir, I am not a whole-hogger, and, being interested in the activities of the mercantile community, I am anxious that goodwill should be fostered between England and India for which my Honourable friend, the Commerce Member, has made an appeal. But, Sir, where is the return? There are two ways in which England can pay us in return. One is by political concessions and the other is by economic concessions. So far, I have seen no economic concessions. My Honourable friend, Mr. James, who interprets the British commercial mind, will take this assurance from me that I am prepared to enter into an agreement and to canvass throughout India to get sanction for that Trade Agreement if England honestly and sincerely gives us a return even in political concessions. Then, India will be prepared to give in return any concession that will satisfy my British commercial friends in England.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Mukhammadan Rural): Mr. President, the case of the Honourable the Commerce Member is a very simple one. His case is, there is nothing absolutely new in this Indo-British Trade Agreement and we are seriously asked to believe that all the ado about this Agreement is over nothing. This aspect of the question has, however, been dealt with exhaustively by my Honourable friends who have preceded me, and I do not wish to cover the same ground again.

Sir, there are certain essentials of a good agreement, whether it be in a law Court or otherwise. The first essential element in a good agreement is that it pre-supposes two contracting parties. Here the case is that it is an Indo-British Agreement. It is an Agreement between India on the one side and Great Britain on the other side. But the real question is: "Was India really a party to that Agreement? Did India really agree? Did she express her consent?" I venture to submit that far from being a party

to that Agreement and giving her consent to it, she was not even present: the Agreement has been entered into behind her back. She did not know what the contents of the Agreement were; she did not know how and by whom and through what channels all these negotiations were going on: and, therefore, I say, that an essential element of a good contract is wanting in this case. Who signed the contract on behalf of India? Did the gentlemen who signed the contract receive any authority from the Indian masses, from the commercial and industrial communities and from the Indian Legislature to come to that Agreement? In the first place, the gentleman who signed it was an unauthorised agent. In the second place, that unauthorised agent was not a free agent. His will was dominated by the will of the other party to the contract. Therefore, in fact, they were not dealing at arm's length with each other, but one party was dictating and the other party had to agree. Can this at all be called an agreement? Now, Sir, it is true that the matter has now been brought up before this Honourable House, but it has been brought up after it has become an accomplished fact. It has been flung upon the face of this Honourable House after it has been concluded. It is something like putting the cart before the horse.

Now, Sir, it is an old complaint of this country, and not merely of the political agitators, that India has never had her own voice in the determination of her fiscal policy. That was a grievance which was recognised

1 P.M. even in the Montagu-Chelmsford Report and it was this aspect of the matter which made Mr. Gokhale to characterise this as the darkest spot in the Indian administration. Since then, however, things were altered and the fiscal autonomy convention has since been accepted by the Government of India and by the Imperial Government. But the whole question is, whether or not this fiscal autonomy convention has been cast to the winds by this Agreement now under consideration? Another essential element of a good contract is consideration, whether there was any good and sufficient consideration so far as India is concerned. Our case is that really under the terms of this Agreement India will have to sacrifice more than she will gain. The benefit to India is problematical, whereas the benefit to Great Britain is definite and considerable. In order that there may be real reciprocity, there should be equality of sacrifice and equality of advantage. That must be the basis of mutual preferential trade agreement between the two countries. Examined in the light of that test, let us try to examine the Articles of this Agreement.

The stipulation contained in Article 1 and Article 3 is really based on the principle of Imperial Preference, giving preference to the imports of the United Kingdom. These articles propose lower rates of duty on goods imported from the United Kingdom. The inevitable result of this is higher prices for consumers and greater competition for Indian industries. This rebate granted to British products is bound to lead to one of two results. Either it will reduce the margin of protection required for our industries, thus retarding the industrial development of this country, or it will impose an additional burden on the poor consumers of this country by raising the price of articles imported from other foreign countries for the benefit of the British capitalists and the British manufacturers. The Honourable the Commerce Member has invited us to examine the terms of this contract with cold logic and reason. I believe, Sir, that even the Honourable the Commerce Member will admit that the Fiscal Commission was not a body dominated by any political bias. Therefore, I propose to examine the Articles of this Agreement in the light of the recommendations of the

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Fiscal Commission. Now, Sir, it is well-known that the Fiscal Commission did not recommend the acceptance of Imperial Preference as a general tariff policy of India. I say as a general tariff policy for India, because I should like to be accurate. With regard to some specified commodities, there was a faint sort of recommendation by that Commission for the acceptance of that policy of Imperial Preference. But, on that point, again, we have got to remember that the one condition laid down by the Fiscal Commission was that no preference should be given which would in any way diminish the protection required by the Indian industries, because, up to a certain point, it can be said roughly that the policy of preference and the policy of protection are inconsistent with one another. In any case we have got to remember another very important condition laid down by the Fiscal Commission and that condition was that anything like Imperial Preference, whether general or partial, should not be adopted except in accordance with Indian opinion and that Indian opinion expressed through our Legislatures. It is very clearly stated there that it must be with the free consent of the Legislatures, without which there should be no adoption of any Imperial Preference. In any case, Sir, our contention is that we cannot accept this principle of Imperial Preference until we have attained responsible Government and until we are able to regulate our fiscal policy by a vote of a wholly elected Legislature. I might add, Sir, that it is somewhat unfair to the future national Government of India, which, it is said, is coming soon, that, at this hour, these new Articles of Agreement should be entered into between Great Britain and India.

Coming to Article 3 of this Agreement, it lays down that, whenever possible, lower rates of duty will be imposed on goods of United Kingdom origin. I venture to submit that this is a new principle enunciated that in giving protection to Indian industries, the interests of British manufacturers are also to be safeguarded; that is protection not merely for Indian industries, but also for British industries at the cost, of course, of the Indian consumers. It is practically enacted that India should afford protection not only to Indian industries, but that India should afford protection to British industries also. It is the case of a pigmy asked to protect a giant,—the case of a street beggar asked to patronise a millionaire. In Article 3, sub-article 3, the Government of India undertake that the differential margins of duty established in accordance with the principles laid down in the preceding clauses of this Article between the United Kingdom goods on the one hand and foreign goods on the other shall not be altered to the detriment of United Kingdom goods. That is, India must no longer have the right of entering into agreements with other foreign countries for mutual or preferential tariff treatment, if it so happens that it would prejudicially affect British interests. I say, Sir, this is a step backward.

Now, Article 4 of this Agreement lays down that the Government of India undertake to re-open the question of appropriateness of the existing protective duties from the point of view of the new principles laid down in this Agreement; that is, the new principles will apply not only to protective duties, hereafter imposed in future, but would apply to duties already imposed in the past. In other words, they ought to have retrospective effect. In this enquiry the British industries must be heard. With regard to this demand of the British industries, let me read out what the

Federation of the Indian Chambers of Commerce and Industry says. This is how they express their opinion on this Article:

"The Committee of the Federation are constrained to characterise this as a preposterous demand of the British industries to seek to nullify the very principle of fiscal autonomy, as it amounts to an interference in the internal administration of a country and that too at the instance of an industry which is in direct competition with an indigenous one. This particular article 4 will act as a serious impediment in the industrial development of India as no industry will ever flourish if it is to be in constant dread of the protection given to it being altered from time to time, at the instance of its British rivals. There is bound to be a conflict between the Indian and the British interests and the Committee have no hesitation in recording their opinion that in the case of such a conflict the interests of the Indian industries are likely to be subordinated to those of the British ones. The anxiety of the Government of India, in safeguarding the interests of the British industries, such as the iron and steel and cotton textile, is an illustration ample enough to justify the Committee's apprehensions in regard to the working of article 4 of the agreement."

These are the obligations undertaken by the Government of India in this Agreement.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exhausted his 15 minutes.

Mr. Akhil Chandra Datta: May I be permitted two minutes more? I have not the time to elaborate all the evil effects of an Agreement like this. I would like, therefore, to place an exhaustive summary of the evil effects of such an agreement which was made by Mr. N. R. Sarker as President of the Bengal National Chamber of Commerce:

- "(1) India stands to gain little and to sacrifice much more.
- (2) The benefits to India are inconsiderable and problematic.
- (3) The benefit to Great Britain is much more definite and considerable.
- (4) It will affect adversely India's trade with other foreign countries, which form its largest group of customers.
- (5) It is likely to provoke retaliation by countries which are hit by preference to Great Britain or the other Empire countries.
- (6) For these reasons, it will only cause a redistribution of Indian trade and not increase the total volume of trade; in fact, India's exports are likely to be reduced.
- (7) It will either reduce the margin of protection required for Indian industries, retarding the industrial development of the country or else,
- (8) It will impose an additional burden on Indian consumers by raising the prices of imported articles for the benefit of British industries.
- (9) It will render our fiscal system inflexible, virtually destroying our fiscal freedom.
- (10) It will render it difficult, if not impossible, for India to negotiate mutually advantageous trade agreements or preferences with other countries.
- (11) It will greatly increase India's economic dependence upon Great Britain and confirm her political subjection to that country."

Sir, I support the amendment of my Honourable friend, Mr. Gauba.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 4th February. I announced last week, that, in order to meet the wishes of the House,

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Government would find three days in that week for the debate on the motion, of which I have given notice, that the Report of the Joint Committee on Indian Constitutional Reform be taken into consideration. In consultation with the Leaders of Parties, I have reached the conclusion that the best arrangement for this debate is that it should begin on Monday, the 4th, and that it should be continued on Wednesday, the 6th, and that it should be concluded on Thursday, the 7th. That day is at present allotted for non-official Resolutions, but as all persons who have found a place in the ballot are agreeable, I propose, with your approval, Sir, to invite the Governor General to transfer the allotment of Thursday, the 7th, to Monday, the 11th, with the result that the ballot for Thursday, the 7th, will stand. In addition to the meetings on the 4th, 6th and 7th for the debate on the constitutional issue, there will also be a meeting for non-official Resolutions on Tuesday, the 5th. Friday, the 8th, is a gazetted holiday for Bassant Panchami, and it is not proposed that the House should sit on Saturday, the 9th, on which day it is understood that there will be a further sitting of the Standing Finance Committee.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, may I ask if there will be an interregnum after the 11th?

The Honourable Sir Nripendra Sircar: If my Honourable friend will wait, he will hear another statement made at the proper time before that.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MOTION RE INDO-BRITISH TRADE AGREEMENT.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has to inform the House that the House will be adjourned today at 4 o'clock as, it is understood, there are many Honourable Members who want to attend the reception in honour of His Highness the Maharaja of Nepal, and if the debate is not concluded today and if Honourable Members so desire, the Chair is prepared to sit again tomorrow so that this debate may proceed.

Munshi Iswar Saran (Benares and Gorakhpur Divisions: Non-Muhamadan Rural): Mr. President, the question before us is so simple that even a mere layman like myself might venture to trespass on the attention of this House for a few brief moments. I wish to make it perfectly clear at the very outset that we are not here concerned with the Ottawa Pact, nor are we concerned with the Mody-Lees Pact. Furthermore, we are not here concerned with the meaning and significance and scope of what is known as the Fiscal Autonomy Convention. The sole question which we have to put to ourselves is, is this Agreement which has been entered into by the Government of the United Kingdom on the one side and the Government of India on the other, in the interests of India, and shall we,

as representing the people of India, be justified in giving our assent to it? The Honourable the Commerce Member, with that dexterity which anybody who knows him associates with him, said:

"This Agreement is in conformity with previous principles: this is in accordance with past practice."

And his suggestion was that, therefore, it should be accepted. I submit with great respect that all those questions are irrelevant. The only issue before us at the moment is, is or is not the Agreement in our interests? If it is not in our interests, then we shall be betraying the trust that is reposed in us if we give our consent to it.

I can submit with confidence before a President who has had a great deal to do with judicial matters, that if in a Court of justice there had come up for consideration an agreement between a guardian and a ward or an agreement between a trustee and a beneficiary—we are told *ad nauseam* that Britain is the trustee of this country,—or an agreement between a superior and a subordinate Government—this Government has been called a subordinate Government, not by a Congressman, but, by the late Lord Curzon himself—it is perfectly clear that the Court would jealously see whether or not the dominant party had been able to gain an unfair advantage over the subservient party. In a similar manner, the House should approach this question.

There are certain things which strike one when one begins to consider the surrounding circumstances in which this Agreement has been made. May I remind the House that the Agreement was made on the 9th January, 1935, and it was very well known that the Session of this House was to commence on the 21st of January, 1935? May I ask—I shall ask my Honourable friend, the Commerce Member, not to take shelter behind technicalities—could not the Government which he so worthily represents have waited for a few days and put the matter before the Assembly before making the final agreement? I wish to make it clear that I do not hold that in every case and in all circumstances it is the duty of Government to put every proposed agreement before the House and obtain its sanction thereon; nor it is the right of the House to say to Government, "you shall in no case enter into an agreement without our previous sanction". But, having regard to all the circumstances, in the present case, this would have been a most desirable course for the Government of India to follow. The Government of India knew very well that all these previous transactions—the Ottawa Pact and so on—had been very unpopular in the country. Perhaps the country is not able to understand those high principles of trade and commerce which I suppose it is the special privilege of the Members of Government to understand. That may be. But the fact remains that the country has been opposed to all these arrangements that have been entered into. I shall, with your permission, read to you a passage from a speech delivered by an Honourable Member on the floor of this House before telling you the name of the speaker. It runs:

"I do not in the least deny the contention of my Honourable friend, Sir Abdur Rahim, that he has got the country behind him in opposition to this Agreement. I know that the great volume of opinion outside the House is with my Honourable friend, Sir Abdur Rahim; but I am also confident that if that great volume of opinion outside this House had an opportunity to examine this Agreement with the same amount of care with which my colleagues on the special committee examined it, they also would be converted in time to the view that I hold that this Agreement would be in the interests of India; but even if the majority outside this House were against this

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Trade Agreement, I would take consolation in the fact that on certain occasions, at any rate one must choose between two alternatives, honesty and popularity, and in this I had not the slightest doubt in my mind what is the alternative that I ought to choose, and I am glad that in this I was able to carry a great many of my colleagues with me."

Who was this speaker who admitted that the volume of opinion, rightly or wrongly—I shall concede for the purpose of this argument wrongly—was against the Ottawa Pact? A man whom, without offence, I may call the prize-boy of the bureaucracy and the political godson of a very distinguished personage—I mean Sir Shanmukham Chetty. I find, there were cheers at the close of these remarks; the cheers must have come more particularly,—I venture to imagine,—from the other side. The Honourable the Commerce Member in his capacity as the representative of the Government of India knew full well the feeling of the country on this subject, and still what do the Government of India do? I should feel very sorry, Sir, to say an unkind word against the Honourable the Commerce Member, because I know that in his private capacity he would be a very different man from what he is in his official capacity and he would not do many things which force of circumstances compel him to do in his present position. Now, it appears, Mr. President, that the negotiations about this Agreement started somewhere in July, and it was on the 13th August, 1934, that questions were put to the Honourable the Commerce Member. And look to the answers that were given on behalf of Government. The question was: "May I take it that at some stage before the negotiations are completed, commercial interests,—and I am referring to Indian commercial interests,—will be consulted?" The answer was: "I am not in a position to bind myself in regard to that, but I have no doubt that Government have an opportunity of knowing what the views of the commercial interests in this country are on the various questions that are under discussion". Then the reply to another question was, "Before they have made up their mind or come to an agreement, I said that I have no doubt that Government will be in a position to appreciate and know what the views of the commercial community are in regard to the various questions under discussion". What was claimed on behalf of Government was that they possessed some occult powers by which they knew all about the public opinion in this country in regard to the various questions which were the subject of negotiations between His Majesty's Government in England on one side and the Government of India on the other. They did not,—I shall beg you, Sir, to remember,—at that moment say that it was not necessary to consult commercial opinion in this country. That was not their position then. Their position was that no consultation would be necessary as the Government of India knew what the views of the country would be. But now we find that the Government of India in a letter addressed to the Indian Chambers of Commerce say: "The Government of India are unable to understand why it should be deemed necessary to consult the commercial or public opinion on matters involving no new departure in principle or in practice". I submit to you, Sir, with great respect, that perhaps when this answer was written to this Chamber of Commerce, the previous questions and answers were not placed before the gentleman who drafted this answer. The Honourable the Commerce Member very gently shakes his head—I put it to the House, is the present answer consistent with the answers that were given on behalf of Government when these questions were put on the 13th August? They said that they knew the opinions; now they say

that it is not necessary to consult those opinions. I say there is a distinct contradiction between the two statements, because on one occasion they say that it is not necessary to find what the views of the Indian commercial community are, while, on the other, they say: "Well, we know all that has to be said".

Sir, we all know that the United Kingdom cannot normally be expected to absorb more than 20 per cent. of our commodities which are of an exportable character. That being so, when entering into an Agreement of this nature, the most important fact to take into consideration is how will it affect those which deal with the 80 per cent. of the exportable commodities of India? Now, it is obvious, I submit, that if you make an agreement, and if you show some preference to a party which does not take more than 20 per cent of your exportable commodities, it does not require very great imagination to realise that it might be,—I do not wish to put it higher than that—that those who deal with the 80 per cent. of your exportable commodities might not like it, and your interests, as far as they are concerned, might be prejudicially affected. I, therefore, say, Sir, that this one ground alone should be enough for us not to agree to ratify or give our consent to the Agreement which has been made.

Then, Sir, there is another matter which deserves attention, and it is that, what might have been a practice, what might have been an understanding, is now being reduced into an Agreement, into a binding contract, that in all inquiries before the Tariff Board such industries in the United Kingdom as are inclined to make any representation to the Tariff Board will have the right to do so. I do not say that they have not done so in the past,—I do not,—but what I say is that there is a world of difference between something which depends on your goodwill or acquiescence and a right which has for its foundation a binding contract. And what is worse is that, during the currency of the period of protection, the Government of India will cause an enquiry to be made as to the appropriateness of the existing duties on the representation of any industry in the United Kingdom which is interested in the particular trade. I submit to you that this is a wide power and a very dangerous power, because, what will be the consequences? You will destroy that sense of security which the industry in this country has

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Munshi Iswar Saran: Very well, Sir. Your attention and the attention of the House have been invited to other considerations also. What I submit to you is this. If you consider what India had to give to Britain on one side and what India has received from Britain on the other, the conclusion is irresistible that this Agreement is more in favour of the United Kingdom than it is in favour of India.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Entirely.

Munshi Iswar Saran: The Leader of my Party suggests entirely, and I thankfully accept the amendment; it is entirely in favour of the Government of India.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): Hear, hear. Of the Government of India. (Laughter.)

An Honourable Member: Of the United Kingdom.

Munshi Iswar Saran: On what evil days have my Honourable friends on the other side fallen, that they and their supporters seek refuge in a mere slip of the tongue!

An Honourable Member: That is the only thing they can do.

Munshi Iswar Saran: My time is up, and, therefore, I shall make this last submission to you, and it is this. Having regard to the fact that this Agreement has been entered into in defiance of public opinion, in defiance of commercial opinion, which the Government of India knew perfectly well, and also having regard to the substance of the Agreement and the conditions which are more, nay, entirely favourable,—I shall adopt the word of the distinguished Leader of my Party,—to the industries in the United Kingdom, I say, there is no other course possible for this House, I mean no other honourable course, but to say in most emphatic language that this Agreement should be terminated, and, as far as we are concerned, we shall be no party to it. (Cheers.)

Mr. H. Dow (Government of India: Nominated Official): Sir, with your permission, I shall devote the short time at my disposal merely to the examination of two of the points which were raised in the course of the debate this morning. The allegation has been made that this Trade Agreement between the Government of India and the United Kingdom, in some way, is inconsistent with the Fiscal Autonomy Convention. One Honourable Member, I think, went so far as to say that this convention had been thrown to the winds. Now, what is this Fiscal Autonomy Convention? I do not wish to take up much time in elaborating a thing which ought to be known, and, I am sure, is known, to a great many of the Members of this House, perhaps to all of them, but it is, I think, necessary that I should read just one sentence from the Joint Select Committee's Report of 1919. I only want to read the last sentence of the Report on clause 33 of the Government of India Bill—not because there is anything else in that paragraph which I am anxious to leave out, but I just want to read the last sentence:

"In the opinion of the Committee, therefore, the Secretary of State should, as far as possible, avoid interference on this subject when the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

Now, that is only a statement of what the Joint Committee thought the Convention should be. The thing was taken a stage further when a deputation from Lancashire waited on the late Mr. Montagu in March, 1921. Mr. Montagu then accepted fully the terms in which this Convention had been stated by the Joint Parliamentary Committee, and, in the Council of State here, a few months later, the Government of India were asked to state their attitude with regard to this Convention. The Government reply

was—I am afraid I have forgotten who the Honourable Member in charge was at that time:

"I am perfectly prepared to state that the Government of India have every intention of exercising, in concert with the Indian Legislature, and in what it believes to be the best interests of the country, the fiscal powers which have been conferred on it under the recent Constitutional Reforms."

Then the Tariff Board came into operation, and there have been various enquiries, and the principle laid down in this Convention has been followed. There has been no interference of the Secretary of State in the matters in which it was laid down in the Convention that the Secretary of State would not interfere. Then, in 1930, on the Textile Industry Protection Bill, the matter was fully discussed in the Legislative Assembly, and if I may say so, the debate that we have today marks the fullness of the recognition of this Convention. (Laughter.) I will explain what I mean.

An Honourable Member: Marks the abolition.

Mr. H. Dow: Hitherto, when the matter has been debated in this House, there have always been certain Honourable Members who have refused to believe that this Fiscal Autonomy Convention was of any use to India. Now, I understand, it is the gravamen of the charge against the Government that Government are throwing this Convention to the winds.

I maintain that there is nothing in the conclusion of the Agreement which in any way conflicts with the Fiscal Autonomy Convention. That Convention deals with one point only, and that is the circumstances in which the Secretary of State should refuse to exercise his ordinary powers of superintendence, direction and control. If the Government of India are not in harmony with the Legislature in the matter of this Agreement, the use of this Convention does not arise at all; and I would like to point out that in the debate of March, 1930, although this matter was very fully discussed, it was never even suggested that there was anything in the Convention which would prevent India from entering freely into any Agreement with the United Kingdom, nor was any suggestion made by any Honourable Member that it would be necessary to associate the Legislative Assembly with the Government of India in the purely executive function of negotiating such an Agreement.

Now, I pass on to my second point. We have been told that this Agreement cuts at the root of India's powers of protecting her own industries. Sir, I think there is nothing at all in this Agreement which will embarrass the Tariff Board in applying to the applications before it exactly the same principles that have been applied in the past. It would be quite easy for me to go through this Agreement, clause by clause, and illustrate that point, but I do not intend to do so. I will just refer to the two clauses of the Agreement which have been brought forward by more than one Member this morning in order to show that Indian industries are going to be deprived of their opportunities to protect themselves. Clause 2 of Article 3 says:

"The Government of India further undertake that the measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices for similar goods produced in India."

[Mr. H. Dow.]

Now, Sir, what is that but a statement of the principles on which the Tariff Board have always based their recommendations? And not only have they based their recommendations on that principle, but it has always had the full support of all responsible sections of Indian opinion. Perhaps there is some apprehension about this phrase "fair selling price". There may be a fear that it would perhaps handicap the Tariff Board in dealing with industries that are not so firmly established as the greater industries. I do not think there need be any apprehension on that score. The Tariff Board have always considered themselves entitled to take into consideration the circumstances of a particular industry, and, in coming to their decisions on what is a fair selling price, they may legitimately take into consideration that one industry would require, if it was to get any real measure of encouragement, perhaps a greater return on its capital, or a larger profit, than another industry. This involves no new departure on the part of the Tariff Board. The Tariff Board has always considered itself competent to consider for each separate industry what would be a fair selling price, and it has not come to any hard and fast conclusions which it tries to fit into the circumstances of every industry.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): May I put a question to the Honourable Member? There was no change of principle up to now, but after this Agreement was signed, does not this clause define the selling price? Do the Government of India interpret this clause as not a definition of selling price? Do they maintain that the definition of selling price remains as it was before it was signed?

Mr. H. Dow: This clause does not contain a definition of a selling price, and I can see in it nothing which in any way attempts to give any fresh instructions to the Tariff Board. I think the Tariff Board will be able to conduct any future inquiry without even troubling to read this clause.

Sir Cowasji Jehangir: Does not it mean that the selling price is a price that equates the prices between the two countries?

Mr. N. M. Joshi (Nominated Non-Official): Who is the final authority as regards the interpretation of these matters?

Mr. H. Dow: The Tariff Board's reports have always been dealt with by the Government of India so far. It has never been suggested that the Tariff Board is the final authority, and that everything that the Tariff Board recommends ought to be done. The Tariff Board reports to the Government of India.

(Mr. N. M. Joshi rose to interrupt.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

Mr. H. Dow: The measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices. Now, Sir, what I maintain is that if the Tariff Board were

to go beyond this and to recommend that a duty should be fixed which would enable goods to be sold at more than the fair selling price, they would be going beyond the Resolution which this Assembly laid down in 1923. It was then made perfectly clear that in the application of the principle of protection, "due regard should be paid to the well-being of the community and the safeguards suggested by the Fiscal Commission".

Now, if you are going beyond the fixing of a fair selling price, you are going beyond this Resolution and you are imposing on the consumer a burden which you have no right to impose upon him.

Now, possibly some alarm has been caused by clause 3 which says that:

"The differential margins of duty established in accordance with the principles laid down in the preceding clause of this Article as between United Kingdom goods on the one hand and foreign goods on the other, shall not be altered to the detriment of United Kingdom goods."

I can only explain this alarm by supposing that Honourable Members think that this means that a duty once imposed on United Kingdom goods cannot be raised. That suggestion was made in a question put by one Honourable Member. It seems to me perfectly clear that if the price of the United Kingdom goods goes down and that of foreign goods goes up, this clause does not prevent an adjustment of the duties by raising the duty on United Kingdom goods or lowering it on foreign goods. What really matters is the relative position of the landed cost of United Kingdom goods or foreign goods to the fair selling price of goods produced in India and as long as that is not disturbed, I do not think it can be maintained that duties are being altered to the detriment of the United Kingdom. I hope that will move some of the uncertainty on that point.

Those are the only two points that I wish to make. Yesterday an Honourable Member, speaking to a Government Resolution, made, what I understand, is the customary reference to Government as a mountain producing a mouse. I am not going to suggest that the Movers of these amendments are mountains, and it is only in the course of nature that what they have produced should be a little mouse. What we are entitled to object to on this side of the House is the attempt to represent this little mouse as a mountain.

Mr. K. L. Gauba: Might I ask a question? The Honourable Member read out clause 2 of Article 3 of the Agreement and said that the Tariff Board would do no more than equate prices. What I would like to ask, after the Tariff Board has recommended an equation of prices, what does the rest of the clause imply? The rest of the clause, which my learned friend did not read out, was:

"Wherever possible, having regard to the provisions of this Article, lower rates of duty will be imposed on goods of United Kingdom origin."

The Honourable Sir Joseph Bhore: Sir, may I say I will deal with that point very fully when I stand up to reply?

Sardar Mangal Singh (East Punjab: Sikh): (Applause). Sir, the question of this Trade Agreement raises very important issues, fundamental issues, which are intimately and deeply connected with our industrial, commercial and agricultural life. So far, many Members have spoken,

[Sardar Mangal Singh.]

but there is not a single Member, a single elected Indian Member who has not had a hit at this unjust document, this precious document, which weighs less than two ounces. (Laughter.) Sir, this document is not an agreed document; it is not a document which is the result of mutual negotiations, mutual deliberations, but it is an entirely one-sided document, sought to be imposed by a superior Government, a very powerful Government, upon a subject-country. The Honourable the Commerce Member has asked us not to be prejudiced by political considerations. Very well, Sir, I shall make an effort in that direction, but you cannot get away from the fact that India is a subject-country and the Government of India are a subordinate Government to His Majesty's Government in the United Kingdom. Under the circumstances, Sir, it would have been a miracle if this document, if this Trade Agreement would have been fair to India. An Honourable Member has just said that this document is a road to Dominion Status. (Laughter.) Sir, if this is the road to Dominion Status, then that is not a fair and promising Dominion Status of which my friends over there, the Liberal politicians, are so much enamoured, but it is a road not leading to Dominion Status, but to a dummy status. (Laughter.) I have said that this document is a one-sided document. Sir, it does not at all protect our interests, and it reminds us of our real status, namely, our utter helplessness and degradation, so much so that we are not in a position to safeguard and to protect the interests of our own nationals in our own country. Very well. I will not refer to my political convictions here, but I shall try to examine this in the light of cold reason, as we have been asked to do by my Honourable friend, the Commerce Member. This document is not based, Sir, on the principle of give and take, but on the principle of take and take on the one side and give and give on the other side. (Loud Laughter.) Therefore, Sir, as an elected Member, as a Member who has to go again to his countrymen to ask for their votes, I cannot stand here and say any word in favour of that precious and that wonderful document which is known as the Indo-British Trade Treaty.

Then, Sir, the Honourable the Commerce Member said that they have not broken any new ground. I admit, but I would submit they have broken many new principles. They have implemented the principle of Imperial Preference which it has been the effort of several interested quarters to impose upon India, but, so far, the Indian Members, if I may say so, even the Indian Government, have not so far thought it proper or just to submit to this iniquitous demand. Sir, the first Article of this Agreement grants Imperial Preference. I do not pretend to be a shrewd business man,—I am a layman. This very first article reads to me like this, that it would not be possible for us to tax imported articles from the United Kingdom in the same way as we would be able to tax articles from other countries, if we thought that that was in the interests of our country. Now, if that is not Imperial Preference, I should like to know what that is. In the second place, the second principle implemented is that we have even departed in this document from "discriminating protection". Under Article 3, it would not be possible for us to help our own industries in competition with British industries. It is a power reserved to the Government and even to the Lancashire interests that, whenever they like, they can demand a reconsideration. They can say that this duty is too much and you should reduce it, and so on and so forth; and, Sir, above all, they

can say that you cannot enter into trade agreements with other countries. Supposing there is a country, supposing Japan is prepared to take our raw materials, and, in answer to that, in consideration of that, we should wish to make room for their articles. But, under this Agreement, it is not possible for us to do that if that goes against the British commercial interests. We are here debarred from entering into trade negotiations with other countries if that agreement goes against British mercantile interests. Then, Sir, much has been made of reciprocity,—that the Government of the United Kingdom, in consideration of several facilities which they have got, have conceded that they will give preference to, and they will try to import more articles from this country. What is the position? They are importing duty-free our pig iron. It is very kind of them. Three years ago, they imported about three lakhs of tons, and last year, it came down to less than a lakh, and, within the next two years, I think we will go down to zero. Sir, that is the reciprocal treatment which we are getting. And, lower down in Article 5, they say something about our cotton imports into England. The expressions used are very vague and general. They say: "All possible efforts" and "all possible ways" and that sort of thing. I would like to put a straight question. Are they prepared to fix a definite quota? Would they be prepared to take so much cotton or wheat or other commodities which we can afford to send? Are they prepared to take so much at least a year just as we have contracted with Japan? Are they prepared to do it? Are they prepared to tax cotton from other countries in preference to our cotton? I am just speaking here from the point of view of an agriculturist with whom the Government professes to be in great sympathy. I will ask a straight question. Are the Government of the United Kingdom prepared to levy a tax on cotton from other countries and admit our cotton duty-free? Sir, we know that this proposal was put before the Government of the United Kingdom by the Government of India, but the Government of India were not able to convince that Government, because it would go against the mercantile interests of Great Britain. The proposal was, therefore, thrown out. With these few remarks, I would appeal to my Honourable friends—at least the elected Indian Members—to vote for the amendment which has been moved by my Honourable friend from the Punjab, Mr. Gauba. As a matter of fact, the country has already given its verdict in very clear and unmistakable terms and we are here, as representatives of the people, simply to register that verdict and throw out this document which is unjust, unfair and unfavourable to our interests and to our country. (Applause.)

Mr. Mathuradas Vissanji (Indian Merchants' Chamber and Bureau: Indian Commerce): Mr. President, first of all, in rising to support the amendment of my Honourable friend, Mr. Gauba, I crave your leave that this being my first attempt in this Assembly to speak on an important matter, I might perhaps exceed the time-limit that is allotted to me, although I will try my best to be within the time at my disposal. I will try to restrict myself to the cold logic which the Honourable the Commerce Member gave us in his opening speech. I have no intention to dwell at length on the political and constitutional aspect of this matter. It is, indeed, not because I find no objection to this Treaty on political and constitutional grounds, that I have decided not to labour those points. The mere absence of any consultation with Indian interests, even though repeatedly requested by the Federation of Indian Chambers of Commerce and Industry to do so, and even though the corresponding British interests were not only consulted, but were allowed practically to dictate the terms of this Treaty, would be

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sufficient ground to take exception to the procedure attending the negotiation and conclusion of this Treaty. The contrast with the procedure attending the Indo-Japanese Pact, wherein Indian delegates were at least nominally associated in negotiations, is too glaring not to afford another objection to the present Treaty on the same general ground. In regard to a self-governing Dominion, the Imperial British Government would not dare to assume such a dictatorial tone in matters relating to its trade and industry; for, the principal Dominions have always their own Ministers and representatives to negotiate such agreements whenever one becomes necessary. India, we are told is, in practice, on a level with the Dominions; and, yet, in such a vital matter as India's trade and industry, affected by a treaty like this, we have been treated in a way which cannot but emphasise our lack of self-governing status. Even the precedent of the Ottawa Agreement itself is not followed, for there at least non-official delegation, no matter how selected, had taken part in the preliminary negotiations and the final Pact. The precedent of Ottawa is particularly unfortunate for Government to rely upon in this case; for, whereas in that Agreement, negotiations were conducted by Indian representatives, and the final Pact applied only to a stated number of articles, this Treaty has been concluded without any reference to Indians, and forms a limitless charter of preference for Britain on the entire trade of India, without any substantial *quid pro quo* such as Ottawa gave. On all these political and constitutional grounds, much could be said in condemnation of this Pact; but I shall leave that to those of my Honourable friends on this side of the House who are better trained to deal with such matters.

I come to the strictly economic and commercial objections to this Agreement and will discuss it on its merits. Without detaining the House by an analysis of every clause of the Treaty, I must point out that, if its terms are given effect to, India's right to protect and develop her natural industries will have to be sacrificed. Sir, the path of Indian industries seeking protection—even when badly needed and richly deserved—is not very easy. If the prime considerations influencing the Tariff Board are the need of the industry, and the suitability of the conditions under which it is working, the principal consideration before the Commerce Department in scrutinising the recommendations of the Tariff Board is nominally the interests of the Indian consumer, and of Indian revenues. In fact, the interests of British industry are also given full consideration. If the Department is convinced of an irresistible case for protection, it embodies its findings in suitable legislative form for presentation to the Legislature. Even then it is not always certain that the industry would get all that it needs or all that is recommended. Under these measures, there is a chance of the industry growing, or growing more rapidly than would have been the case in the absence of such protection. Considerations of Imperial Preference may modify the initial protection granted, but cannot altogether deny it. Under the terms of this Treaty, however, India will be bound, in every instance almost, to charge lower duties on goods of British origin than on those of other countries. This is regardless of the fact that protection to Indian industries is often needed, more particularly and rigidly against its British rival in the Indian market than against any other. This is surrendering India's birthright in regard to developing every possible or at least every suitable industry in the country with the minimum of expenditure in time and energy. India never can hope of an intensive policy of industrial regeneration; she can have no scope for any concrete scheme

of unemployment relief, nor can entertain any hope of a nationally planned economy, so long as this unfortunate engagement is allowed to chain our national activity in support of our own essential suitable industries. If we are bound by such a Treaty to grant invariably lower duties to goods of British origin, we shall be precluded by that fact from granting to other countries any consideration which might tempt them to accord some advantage to our trade with them. When the Government of India concluded a pact with Japan, a concrete *quid pro quo* was established; India's trade with Japan is, on the whole, more to India's advantage, so far as the balance of payments is concerned, than her trade with Britain can ever be hoped to be. What has actually been the case in regard to Japan may quite likely be the case with regard to other countries as India trades with almost every country except Britain on terms which leave generally a balance in her favour. But any of these countries may, quite conceivably, embark upon a policy of special encouragement of their other markets, which would oblige India to negotiate with such a customer a new deal. But, while this Treaty endures, what can India offer by way of temptation or consideration, to such a country that she should be induced to grant us particularly favourable terms? The offence of this Treaty thus lies, not only in its granting to England what would cripple India in developing rapidly her own industries, it lies still more in preventing India from having any bargaining power *vis-a-vis* other countries, so as to safeguard her industry and protect her commerce. The Treaty thus denies this country a primary right of national development, and prevents her from even dreaming of a scientific, comprehensive, co-ordinated system of national economic development without which there is no hope of a real increase in general well being.

Sir, clause 2 of this Treaty recognises the revenue duties of India and the place of import duties in meeting those needs; while clause 4 of Article 3 concedes to the Government of India, in cases where they deem it essential in the interests of their revenue, to impose an over-riding revenue duty on imported goods higher than the protective duty requires. This apparent solicitude for the "revenue needs of India" may quite possibly lead us to reintroduce that hateful feature of the Indian tax system, the internal excises. Sir, I consider all excise duties objectionable which are not levied on articles of deleterious consumption, for they fall on the production of the country and so tend to discourage the production of new wealth, and thereby reduce employment and the general well being of the community. If, however, we are obliged under this Article to give due weight to revenue considerations in fixing levels of import duties, and if the revenue needs of the Government require a duty higher than an additional to protective duty, as was the case in connection with sugar, there would be every likelihood of that over-riding revenue duty being required to be counterbalanced by an excise duty on our home production in that protected industry. This, Sir, is a likely contingency because the Budget of this Government is in chronic deficit but also because this treaty binds them under Article 4, "in the event of any radical change in the conditions affecting protected industries during the currency of the period of protection" to cause an enquiry to be made, either on a request from His Majesty's Government, or on their own initiative as to the "appropriateness" of the existing duties from the point of view of the principles laid down in Article 3. In the course of such an obligatory enquiry, consideration will have to be given not merely to the revenue needs or to the interests of the Indian industry, or the Indian consumer, but also to any

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representation that may be addressed to the investigating authority "by any interested industry in the United Kingdom". This, Sir, spells in my eyes, the end not only of our very moderate policy of discriminating protection to local industries but also to any consideration of the interests of the Indian consumer. Excise duties on home production often act so as to diminish the very fund from which the revenues of Government are ultimately derived. I mean the productive resources and, therefore, the wealth of the people and hence, I repeat, this apparent solicitude for the revenue needs of the Indian Government will result in practice in nothing more than excise duties on domestic production to countervail the supposed "inappropriateness" of any existing duty, at the instance of the British competing industry and of course it means the end of fiscal autonomy convention.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more to conclude his speech.

Mr. Mathuradas Vissanji: As I already requested in the beginning, I hope I will be allowed a few minutes more to conclude my speech considering the great importance of the subject I have to deal with.

Now, Sir, Article 3 is likely to prove the most potent source of injury to Indian industries and to the general well being of the people. For, under its provisions, the Government of India have bound themselves to a third party to give only such protection to a local industry, if qualified for it, and no more, as would *equate the prices in India of such imported goods with fair selling prices of corresponding goods made in this country*. The very positive and emphatic terms employed in the wording of this article discloses beyond the possibility of a doubt or misunderstanding, the real intentions of the authors of this Treaty. By this they want Indian industry to be for ever tied to the chariot wheels of British commerce. I am very apprehensive, Sir, and with good reason from past experience, as to what precisely shall be the interpretation put upon this wording: "the measure of protection to be only so much, and no more than, will equate prices of imported goods to fair selling prices of similar goods produced in India". I am aware, Sir, that there is conventional definition of a fair selling price for protected Indian goods. But that definition, if it is really operative, will apply more easily to goods produced under practically monopoly conditions than to goods produced under conditions of wide internal competition. It is difficult to say which of the many producing establishments in a protected industry, presumably on a varying standard of efficiency and economy in production, will be taken as representing normal conditions of production, whose selling price would be regarded as fair. The British competitor of such goods might urge that under prevailing conditions the fair selling price is represented only by the Indian producers at the top, or of those concerns which have entered into a combine with the British interests. I think either only a limited number of competing establishments will survive under this policy, which would be unable to meet the whole Indian demand, or the surviving establishments would combine with their British competitors to make a practical monopoly for the greater exploitation of the Indian consumer. Such a possibility, Sir, cannot be contemplated without tremor by any patriotic and thoughtful Indian. I, therefore, view this particular article with the utmost dread, and were there no other reasons, this alone would suffice, in my eyes, to condemn this Treaty altogether.

I have one more consideration to place before this House in condemning this Treaty, because Article 4 permits a reconsideration of an existing protective duty in India, even during the guaranteed period of that protection, at the instance of the British Government or the British interests, and because that condition opens up the possibility of reducing the margin of protection to Indian industry even during the currency of the statutory period, capital would feel very shy, and investment in new and promising industry would be effectively discouraged. How can we accept such unfair and injurious arrangements?

I now come, Sir, to the most astounding and egregious provisions in this Treaty. In the Articles of the Treaty which deal with the consideration offered for the very substantial and valuable advantages claimed of us by British manufacturers, there is not a trace of any real *quid pro quo* offered by the Britishers. The British Government is not bound to take any steps even—they will only give consideration to steps that might be taken; and that consideration, again, is to be in co-operation with the commercial interests of British concerns. Can any reasonable person imagine that the principal competitor of any manufacture would advise, when consulted, that steps be taken which would make difficult their competition in India? Notice the marked difference in wording between Articles which concern the obligations put upon the Indian Government, which in every instance undertakes to do this, that or a third thing—and the counterpart of the same Articles when they relate to the British side of the bargain. I leave it to the House to judge for itself on this point. The British Government nowhere bind themselves to impose a special duty on non-Indian cotton imported into Britain so as directly to encourage the use of Indian cotton in British mills. It is, I believe, a fact, and the Honourable the Commerce Member will correct me if I am wrong, that even at the time of the Ottawa Agreement the British delegation definitely refused to tax the raw material of their industry in this manner. The contrast, therefore, between the treatment of British goods in India and to Indian goods in Britain under this Treaty cannot be too much condemned as unjust and unreasonable.

Under the terms of this Treaty, India will have no means of negotiating similar treaties with any country, however good a customer of India that other country may be, or whatever other advantage India may be able to obtain from that country by offering her some relief in her customs tariff. For India would be bound by clause (3) of Article 3 of this Treaty always to give Britain lower duties than those charged on goods of any other country, and make no variation in these differential duties against Britain. There would thus be no possibility of securing any advantage or trade concession for this country by negotiating special trade treaties with our neighbours and customers. It is, Sir, a well-known fact of our foreign trade, that whereas almost every other country buys from us more than she sells to us, and so leaves a favourable balance of payments due to us, Britain is alone among our customers with whom we have always an unfavourable balance of payments. And yet, it is a sad fact arising from such treaties that just that one country with whom we have habitually an unfavourable balance of payment exacts from us the most favourable treatment, a treatment which would not simply benefit her own trade but would cripple India's power of making good bargains with other nations.

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Sir, I have done with the review of this preposterous Agreement. I hope I have convinced this Honourable House that it is not at all in the interests of this country to give the slightest countenance or support to this Treaty, and that the sooner we terminate it, the better. I, therefore, support the amendment of my Honourable friend, Mr. Gauba.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I rise to support the amendment of my Honourable friend, Mr. Gauba. Before discussing the merits of the Indo-British Trade Agreement, I want to point out that the way in which it has been arrived at is most objectionable. The Government of India neither consulted the Legislature, the representative House of the people, nor the Chambers of Commerce, the representative bodies of Indian trade and commerce. They have concluded this Agreement in spite of adverse opinions which were expressed by the people in general and by the commercial units in particular. No Government in the world would probably dream of entering into such an important agreement without consulting the commercial bodies of the country whose interests they profess to safeguard. Agreement implies free exercise of the will of the contracting parties and there can be no deviation from this universal formula. In this particular case, the so-called Agreement is a contradiction in terms inasmuch as this is unilateral and one party has been ignored and excluded from negotiations altogether. The spirit of the whole document is to end, once for all, the Fiscal Autonomy Convention by having entered into this Agreement without consulting the Indian Legislature.

Now, coming to the merits of the so-called Agreement, I want to point out to the House that it is suggestive of a supplementary commercial safeguard with the object of tying down the hands of future Ministers of Commerce. The British Government, not having been satisfied with the so many safeguards proposed in the Joint Parliamentary Committee report, is thrusting on Indians a document which ultimately aims at the circumvention of the future fiscal autonomy of India and further strengthen the vicious principle of "Imperial Preference". India in this regard has neither the requisite machinery nor freedom to negotiate such alliance and is made to bear all the consequences of retaliation and tariff walls raised against her in other foreign countries. We notice that the Government of India pledge themselves to certain most comprehensive and definite undertakings, whereas His Majesty's Government in the United Kingdom only contemplate to give careful consideration "to the import of raw materials from India used in the manufacture of articles of a class which on importation into India are subject to differential protective duties". This clearly means that His Majesty's Government in the United Kingdom will ignore the import of such raw materials from India which are not of the class that on importation into India will be subject to differential protective duties, such as hides and skins, jute and grains, wheat and rice, oil-seeds and oilcakes, etc. This means that only such raw materials from India may receive the consideration of His Majesty's Government which are to be returned to India in the shape of manufactured commodities after having sufficiently benefited the British capitalist, millowner and middleman in the United Kingdom.

From my own humble experiences in commerce, in different capacities, I may point out to the House that the Ottawa Agreement has engendered a spirit of retaliation and these supplementary agreements would only create more bitterness in the other foreign countries who are important

customers of India. The other foreign countries, having full resources and adequate control over their currency and exchange, are bound to manipulate in a manner which will keep their trade balance intact in relation to India, whereas India, with her disadvantageous rate of exchange of 1s. 6d. and restricted methods of trade, will not be able to push her raw products to many other foreign countries. Unless we give other foreign countries a reasonable share in the imports of our own requirements, they will not probably be willing to give us a share in their import of raw materials; which constitute the export of all such raw products from India in which we do not hold virtual monopoly.

By the Ottawa Agreement, and supplementary Agreements like this, India has exposed herself to the risk of dislocation of her export trade with other foreign countries which value almost 75 per cent. of her export of such commodities in which she does not hold virtual monopoly. Sir, I may point out that retaliation is possible even in such commodities, where India holds monopoly, for example, as in jute. Efforts were made some time back in the United States of America to introduce "Bulk Handling System" to reduce their requirements of bags, and efforts are being made in Australia since 1932 to make the "Bulk Handling System" a success and restrict their import of gunny bags and corn-sacks as much as they can. The disadvantageous rate of exchange, as administratively fixed at 1s. 6d. has already brought ruin to Indian agriculture and industry and the blocking of the channels of her export trade through and by the Ottawa Agreement is bringing further sufferings in general to the people of this country. As a result of these preference walls and retaliations, the whole structure of international trade is being shaken. The volume of international trade is sinking down every day and the world-wide depression is being prolonged.

The so-called Agreement has adopted a novel principle that the Indian Tariff Board should consult the principal industrial units in the United Kingdom before coming to a decision. It is the general opinion in this country that the Indian Tariff Board is rather a bureaucratic body whose decisions have seldom been for the advantage and benefit of India. The Fiscal Commission no doubt recommended that the Tariff Board should consider the costs of production in foreign countries; but by this Agreement they make it binding that the Tariff Board should consult British industrialists alone. The Ottawa Agreement accepted preferential duty of ten per cent. in favour of British goods; but, now, under Article 1 of this Agreement, the Government of India have agreed that if occasion arises they can give a higher level of protection to British goods against foreign goods. In the absence of any prescribed percentage of preference, it only means that it will give as much preference as the United Kingdom may require ignoring the interests of the consumers in India. For instance, if an Indian Hosiery Industry produces a certain class of undershirts at ten rupees a dozen, and Japan exports to India the same material *c.i.f.* delivered at five rupees per dozen, and the United Kingdom afford to sell to India at eight rupees per dozen *c.i.f.* delivered, then, under this Agreement, probably a duty of five rupees will be levied on Japan and two rupees on the United Kingdom goods to bring the prices in India to a level of ten rupees a dozen on the plea of safeguarding the infant industry of hosiery and thereby making the consumer pay a higher level of price to benefit the United Kingdom industrialists, and, with a meagre protection only, let the Indian industry exist and keep its head just above water, without affording the same any desired chance of development in India.

[Mr. Muhammad Nauman.]

In Article 2, it is said that the revenue consideration must be given due weight in fixing import duties, which probably means that we may put higher duties on British goods without any regard to the Ottawa Agreement. Reading Articles 1 and 2, we further understand that the intention of the Agreement is that preferential duties could be raised at higher than ten per cent., but cannot be lowered for either revenue purposes or protection and this means another anomaly in the document.

Summing up the whole matter, I think the House must have observed that on the one hand this Agreement is unilateral and, on the other, it is detrimental to the particular interests of India and to the general interests of international trade. On these grounds, Sir, I strongly support the amendment of Mr. K. L. Gauba and condemn this Indo-British Trade Agreement and I hope the Honourable Members will join me in this protest.

(Mr. F. E. James rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member want to begin today? There are only five minutes left.

Mr. F. E. James: That, Sir, is in the hands of the Chair to decide. I am afraid I cannot conclude in five minutes; but if the Chair wishes me to take it up tomorrow, I shall do so.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can begin tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th January, 1935.

LEGISLATIVE ASSEMBLY.

Wednesday, 30th January, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

DEATH OF MR. M. K. ACHARYA.

Mr. M. S. Aney (Berar Representative): Sir, I have no doubt that Honourable Members of this House must have read in the papers this morning the sad news that Mr. M. K. Acharya, an old Member of this House, has passed away. Mr. Acharya was a Member of this House for a number of years, and I am one of those few Members who had the privilege to work with him during that period. Those who knew him can testify to the fact that he was not merely an active Member, but a Member who did his duty with great sincerity and fearlessness. In him, Sir, orthodox India has lost a great champion; and at a time when old usages and ancient customs are in the melting pot as it were, it is a matter of deep regret to note that those few Indians who have a firm faith in them and the Vedic religion are slowly disappearing, and in that sense I consider that his demise will be mourned all over the country, as a great loss to the orthodox community of the country and to the cause of Hinduism. I desire particularly to refer to the fact that in expressing his opinion he did it without fear or favour. Whatever he believed sincerely, he would express in utter disregard of the consequences that might follow. Even at the cost of popularity he fearlessly expressed what he thought. Such a sincere man who worked so strenuously for upholding the cause of ancient Indian culture in this country is lost to us. I am sure that this House will express its sincere sense of sorrow at his death, and I request you, Sir, to convey to his family the message of condolence on behalf of this House.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): Mr. President, I should like to associate myself and this side of the House with the sentiments expressed by my Honourable friend from Berar. I had the honour of knowing Mr. M. K. Acharya intimately. He belonged to the Congress, and he was a member of the Swaraj Party in this Honourable House, and all those who knew him knew his earnestness and sincerity of purpose, and, as my friend from Berar has said, even at the cost of popularity, he stuck to what he believed to be sound convictions on his part. It is not easy, Sir, for a man who belongs to the Indian National Congress to resign his membership from that body,—such is the strong hold it has on our affections and our convictions,—but Mr. Acharya did it. This is not the time nor the occasion to question the propriety or the soundness of it, but I should like to say, as one who knew him, that he lived a purposeful and earnest life for the convictions which he held near and dear to his heart. Sir, in him we have lost an earnest politician in Madras, and, I am sure, this Assembly would like you, Sir, as its representative to convey to the members of his family our profound and sincere sorrow at his death.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I had not the honour of knowing the late Mr. M. K. Acharya, and I regret I am unable to contribute anything from my personal knowledge to what has been said about him, but I join whole-heartedly in the expressions of regret and all that has been said by the Honourable Members who preceded me.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban). Mr. President, may I be allowed to associate myself and my Party in the vote of condolence that has been moved by our friends in this House? Personally I knew the late Mr. Acharya as a picturesque Member of this House. He represented his cause in England with great ability and with a certain amount of success which was due to his persistence and his sincerity of purpose. We may disagree with Mr. Acharya, or some of his friends may have disagreed with him, but nobody can doubt his honesty of purpose, his sincerity and his self-sacrifice for the cause which he always advocated in this House and outside this House. Sir, I would request you to convey to his family the sincerest condolences of this House.

Mr. President (The Honourable Sir Abdur Rahim): I had not the privilege of knowing personally the deceased Mr. Acharya, but I have not the slightest doubt from what I have heard to-day from Mr. Aney, Mr. Satyamurti and other speakers that he was a man greatly respected for the independence of his views and for the earnestness with which he advocated the cause of the Hindu society. It will be my duty to communicate to the bereaved family the expressions of regret and condolence of this House.

ORDERS FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received an Order from His Excellency the Governor General.

(The order was received by the Assembly standing.)

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General-in-Council in respect of Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:

Monday, the 18th February	Presentation in the Legislative Assembly.
Wednesday, the 20th February	General discussion in the Legislative Assembly.
Friday, the 22nd February	
Saturday, the 23rd February	
Monday, the 25th February	Voting on Demands for Grants in the Legislative Assembly.
Tuesday, the 26th February	

(Signed) WILLINGDON,
Viceroy and Governor General."

NEW DELHI;
The 29th January, 1935.

Mr. President (The Honourable Sir Abdur Rahim): I have another Order to communicate to the House from His Excellency the Governor General.

(The Order was received by the Assembly standing.)

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the following days for the presentation to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General-in-Council in respect of subjects other than Railways and for the subsequent stages in respect thereof in the Legislative Assembly, namely:

Thursday, the 28th February, at 5 p.m.	Presentation in the Legislative Assembly.
Tuesday, the 5th March	
Wednesday, the 6th March	General discussion in the Legislative Assembly.
Thursday, the 7th March	
Friday, the 8th March	
Saturday, the 9th March	Voting on Demands for Grants in the Legislative Assembly.
Monday, the 11th March	
Tuesday, the 12th March	

(Signed) WILLINGDON,
Viceroy and Governor General."

NEW DELHI;
The 29th January, 1935.

Mr. President (The Honourable Sir Abdur Rahim): There is a Third Order from His Excellency the Governor General.

(The Order was received by the Assembly standing.)

In pursuance of the provisions of sub-section (3) of section 67A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration.

(Signed) WILLINGDON,
Governor General.

NEW DELHI;
The 22nd January, 1935.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee for Railways, namely:

- (1) Pandit Nilakantha Das,
- (2) Mr. F. E. James,
- (3) Khan Sahib Sheikh Fazli-Haq Piracha,

[Mr. President.]

- (4) Mr. Sami Vencatachelam Chetty,
- (5) Maulvi Syed Murtuza Sahib Bahadur,
- (6) Mr. R. S. Sarma,
- (7) Sardar Sant Singh,
- (8) Mr. V. V. Giri,
- (9) Mr. Muhammad Anwar-ul-Azim,
- (10) Mr. A. H. Ghuznavi, and
- (11) Mr. Nabi Baksh Illahi Baksh Bhutto.

NOMINATIONS TO THE LIBRARY COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that I have nominated Dr. Ziauddin Ahmad and Pandit Nilakantha Das to the Library Committee of the Indian Legislature.

MOTION *RE* INDO-BRITISH TRADE AGREEMENT.

Mr. F. E. James (Madras: European): Sir, it is obviously not an easy thing under the present circumstances either in this country or in the United Kingdom to give impartial consideration to a matter which is primarily economic in its purview, and I feel that it is not likely that almost any agreement or any treaty placed before this House, at the present moment, which involves the interests of the United Kingdom together with the interests of this country, would receive consideration not tinged with political pre-conceptions. In fact, in some of the speeches which we have heard on this discussion, it has even been stated that the electorates have expressed their opinion upon the Agreement even before the Agreement was signed.

Now, I want at the outset to make it perfectly clear as to the policy of the Group on these Benches, more particularly for the benefit of those Honourable Members who are not altogether closely acquainted with our policy in the previous years in this Assembly. We take the view that India should have the same opportunity to consider her fiscal interests as Great Britain, Australia, New Zealand, Canada or South Africa, and that the Government of India should have the right to consider the interests of India first and should think of her own citizens first. We have taken that stand before, and we take that stand today, and we do not move from it. Therefore, anything I say is said with that background in our minds. My Honourable friend, Mr. Ramsay Scott, explained to this House yesterday that the interests of Europeans and Indians in most of these matters were, in fact, identical and that there was a growing realisation of this. When I tell Honourable Members that in the constituencies which we represent there are not only great manufacturing and industrial interests which have been built up in this country, not only great importing and exporting interests, but also great bodies of ordinary consumers, Honourable Members will perhaps give us the credit for looking at this matter from the broadest possible point of view.

Now, Sir, I have to state that all the Chambers of Commerce which are represented by the Members of this Group, as a part of our constituencies, have given their general agreement to this Trade Agreement, and when I say all the Chambers of Commerce, it must not be forgotten that a number of the Chambers which we represent have not only European members but also a considerable proportion of Indian members as well.

Various questions have been asked during the discussion which I will endeavour to meet. First of all, it has been said that this Agreement abrogates India's fiscal principles. What are those fiscal principles? First of all, the principle of discriminating protection. What is the particular Article in the Agreement which is said to offend that principle? Article No. 3 (2): "The measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices for similar goods produced in India". What does the Fiscal Commission say? The Fiscal Commission lays it down as a general principle that the rate of protection shall be neither too low nor too high and shall be determined primarily in the light of comparative costs. I have not the time to go into the history of the findings of the various Tariff Boards, but Honourable Members may take it from me—and if they care to go through the documents, they will find it is so—that Tariff Board after Tariff Board has laid it down that the amount of protection should be equal to the margin of difference between the fair selling price of the Indian product and the price of the imported product. A like formula has recently been used in regard to the iron and steel industry and in regard to the sugar industry; and indeed, it is on that basis that the sugar producers are this day applying to the Government for an increase in the duty on sugar in order to carry out efficiently and favourably the principle laid down by the Tariff Board. The other principle of India's fiscal policy is the fostering of Indian industries. The policy of discriminating protection is on the basis of fair selling price. What are the three principles laid down by the Fiscal Commission? First of all, that the industry must possess natural advantages, secondly, that it is not likely to develop without the help of protection, and thirdly, that it will eventually be able to face world competition without protection. If it is desirable to protect a particular infant industry, there is nothing in this Agreement to show why the fair selling price should not be fixed at a level enabling the widest consideration to be given in respect of the costs which are to be taken into account. I find nothing in the Agreement which need necessarily hinder the industrial development of this country, and certainly nothing that reverses the policy laid down by this Assembly some years ago, that India's fiscal policy should be legitimately directed towards fostering the development of her own industries. I would beg Honourable Members to remember that the policy which was accepted by this House and by the Government of India is the policy of discriminating protection, and not the policy of indiscriminate exploitation of the consumer. We believe that the Agreement is merely a logical development of this particular policy and is recognised as such by His Majesty's Government.

Then, another point has been made in the course of the debate, and that is, that this Agreement embodies a new scheme of preferences for the British interests: in fact, the Honourable Member who represents the Indian Merchants' Chamber, I think, called it a "limitless chapter of preferences". Now, I have already said that the Fiscal Commission and the Tariff Board took their stand upon the fair selling price principle. Where it is justified on economic grounds differential duties ought to be imposed,

[Mr. F. E. James.]

but not unless they are justified by economic facts. That is not a preference. Differential duties are entirely a different thing from preference. A differential duty is based upon the necessities of the situation; a preference is based upon some extraneous consideration. We believe that differential duties are a reasonable attempt to meet the interests of the consumer by recognising the fact that a uniform rate of duty, while protective in one direction, may be utterly prohibitive in another. The principle of equating prices of imported goods to fair selling prices of similar goods produced in India is the only method, in our view, of securing that the interests both of the consumers and of the industry are safeguarded.

What is the result of this Agreement then? The United Kingdom does not get any preference under this Agreement but differential duties, when the economic facts justify the situation. The United Kingdom under this Agreement does not even get the "favoured nation" clause. India, on the other hand, possessing already preferences in the United Kingdom market on a vast range of her own goods, secures an additional preference for her cotton goods in the non-self-governing parts of the Empire and has been promised that the Colonies will be requested to consider the possibility of extending any additional preferences under the Ottawa Agreement which may be given for similar articles from the United Kingdom. Surely this cannot be said to be an Agreement which contains within it a scheme for limitless preferences when in fact the advantages given to the United Kingdom are given on the basis of differential duties which are based on economic facts.

Then, Sir, it has been said also that the Agreement confers a new right on His Majesty's Government or on the British industrialists which they had not before. I presume the reference is to Article IV of the Agreement relating to the ability of the manufacturers in the United Kingdom to state their case freely to the Tariff Board. Surely, this does not affect the right of India to protect her own industries, which is reaffirmed in Article 1 of the Agreement, or her right to defend her revenue position which is reaffirmed in Article 2. It only makes explicit what has always been implicit, namely, the right of foreign manufacturers, from whatever country they may come, to appear before the Tariff Board and have their evidence examined by that Board. In fact, both Japanese and British industrialists have already appeared before the Tariff Board in connection with certain inquiries. The right of the Government of India on their own account or on a motion of His Majesty's Government to make an inquiry into the protective duty is only given if there are radical changes in the conditions of the industry. Member after Member claimed that as a new right but forgot to mention that it was contingent upon there being radical changes in the condition of the industry which has been protected. Of course if such an inquiry is once granted, then surely under the previous article, the United Kingdom producers and any other producers have a right to make their case before the Tariff Board. But I would emphasize the point that if radical changes in the conditions affecting protected industries do take place, the Government of India has no right to ignore those changes and either must reduce or increase the duty accordingly in order to abide by the principles on which their duty is based. The present position is that His Majesty's Government through the Secretary of State can at any time practically force the Government of India to change. Under the Agreement, however, the Government of India is only compelled

to call an inquiry. Presumably that inquiry will be made by the Tariff Board. Therefore, as provided in the first part of the Article, any industry concerned in the United Kingdom or any other country may put up its case before the Tariff Board in connection with that inquiry but the Government of India will be bound, not by the wishes of His Majesty's Government but by the findings of the Tariff Board. Surely that is an advance even on the present position.

Now, Sir, my Honourable friend, Mr. Gauba, on whose maiden speech I would congratulate him, said that the Agreement fetters India's future. I would point out this. It is laid down in the Preamble of the Agreement that it is only operative during the continuance of the Ottawa Agreement. Article XIV of the Ottawa Agreement states that the agreement shall continue in force until a date six months after notice of denunciation has been given by either party. Also in a proviso to the same Article either party can notify and in the event of disagreement carry out a change in the rates of duty or margins of preference on any of the articles covered by the agreement. Is that something cast iron or something flexible? If notice of the termination of the Ottawa Agreement is given, then this supplementary agreement also will be terminated, if that agreement is likewise terminated. The position is that what is called the Ottawa umbrella is put up in order to shelter the members of the Empire from the economic blizzard and this Agreement brings under that umbrella, without any detriment to India's position, those articles which were not included in the Ottawa Agreement but, at any time if India chooses once more to stand in the cold, she can close the umbrella, if she gives the proper notice under the Articles of the Ottawa Agreement. My Honourable friend smiles at that suggestion. (An Honourable Member: "He laughs".) But I would repeat to the House that is the fact of the position which Honourable Members cannot get away from, and I would like any Honourable Member who follows me to challenge it. (Interruption.) One word in regard to the benefits of the Agreement. The new Agreement does not guarantee any reduction in duty to the United Kingdom. It does not hold out any immediate prospect of increased trade to India. The Agreement is one of principles on the basis of reciprocity. It is not a quota Agreement. Much has been said about good-will in the matter of trade. I find this good-will argument is a very attractive sentiment, but let Honourable Members of the House remember that in trade matters, the only real safeguard of any lasting value is mutual benefit. Where there is benefit, there is usually good-will. My friends smile but obviously they are not acquainted with commercial and business circles, where the more the benefit, the greater the good-will. It is, therefore, on that basis that I use these words very advisedly. It is for British interests to strain every nerve to convince India that good-will is there because the benefits she can offer are substantial. It is for India also to show to Britain that willing partnership in economic matters on the basis of mutual benefits is the best policy and the best safeguard for her interests.

Now, Sir, it has been said that this Agreement is an important departure from previous principles. I agree. It is a very important departure not from India's fiscal principles or from India's fiscal autonomy but from her previous relations on economic matters with His Majesty's Government. First of all in this Agreement, the United Kingdom recognises India's policy of discriminating protection.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Was there any doubt about that?

Mr. F. E. James: It has never been acknowledged in so many terms in a formal statement. Secondly, the United Kingdom recognises the paramount importance of India's revenue in fixing duties.

(Mr. Aney rose to interrupt.)

I am not going to answer these interruptions. I am reminded of Mr. Gokhale's phrase that the best things in life are not those which can be enjoyed, but those which can be endured. I do not enjoy these interruptions, but I have to endure them.

An Honourable Member: So are we.

Mr. F. E. James: Perhaps my Honourable friend will allow me to finish my speech within the time limit. The United Kingdom recognises the policy of free co-operation between industrialists of both countries. The United Kingdom recognises the status of the Government of India in dealing with fiscal matters. As the Indo-Japanese Agreement was the first agreement of India with a foreign country, so this Agreement marks an advance still further and marks an important stage by recognizing the power of the Government of India to negotiate agreements separately with His Majesty's Government. Now, Sir, I am perfectly aware that, when I am addressing many sections of this House, whatever I say is suspect as coming from one who belongs to the same nationality as those who are suspect in the United Kingdom.

Mr. M. A. Jinnah: No.

Mr. F. E. James: I am very glad to have my friend, Mr. Jinnah's 'No' to that suggestion. But I want to make a very definite appeal to this House. I am aware that there are causes, probably justifiable causes, for many misunderstandings. I have lately had an opportunity of being in close touch with opinion in the United Kingdom and there is no doubt at all that there is an earnest desire on the part of the United Kingdom to open a new era of economic co-operation with this country. (Laughter.) My Honourable friends laugh at the idea of co-operation; that is strange to them. They have hitherto thrived on co-operation! Sir, this Treaty is offering co-operation, instead of domination, and yet my Honourable friends say they will not have it. Mr. President, the past is full of bitter memories which have tended somewhat to warp our better judgment today. There is, I am perfectly well aware, in many quarters a profound mistrust, both in India and Great Britain; there is also a profound anxiety in many quarters to put that mistrust in the background. Sir, we believe that the rejection of this Agreement will not advance India's cause but will hamper India's friends.

An Honourable Member: Political or economic.

Mr. F. E. James: We should not vote for the Agreement if we did not feel it was in India's interest. But we do feel, with some knowledge of the position in both countries, that rejection will once more set loose the forces of suspicion and mistrust which have done so much (Interruptions.) I would ask my Honourable friends to pay me

the same courtesy which we always pay to a Member speaking. May I be allowed to conclude my remarks? (Voices: "Go on.") I have said that we in this Group do feel, with some knowledge of the position on both sides, both in the United Kingdom and in India, that rejection of this Agreement by this House will once more let loose the forces of suspicion and mistrust which have done so much in the past to poison the springs of relationship between the two countries and, in our view, to hamper the achievement of India's desires. (Loud Applause.)

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhammadan): (Applause.) Sir, I rise to support the amendment which has been moved by my Honourable friend, Mr. Sami Vencutachelam Chetty, and to oppose the Resolution which the Honourable the Commerce Member has moved. Sir, Mr. James has just said that it is an economic issue; but when he says that because the Chambers of Commerce which his Group represents in this House are in favour of this Agreement, and because those Chambers are in favour of this Agreement, it means that the commercial opinion in this country is in favour of it, he is absolutely wrong.

Mr. F. E. James: I did not say that.

Seth Govind Das: You at least said that your Chamber is in favour of this Agreement, that is a fact, and I am proving that because you say so, it does not mean that the commercial opinion generally approves of this Agreement.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

Seth Govind Das: Because, Sir, his Group and the Chambers which his Group represents are in percentage much less than those Chambers who have opposed this Agreement, and I say it was on account of this that the Government were not courageous enough to take commercial opinion into their confidence when they signed this Agreement. Sir, I am opposing this Agreement both on principle and on the merits of the question. The Honourable the Commerce Member said that the Government had not brought any new principle into existence by signing this Agreement. I admit. At the same time, I want to say that we also are doing nothing new in opposing it, because we all along have been opposed to the principle of Imperial Preference on which this Agreement is based. (Hear, hear.) Government have long been trying and trying in their own way to get this principle of Imperial Preference accepted by this country, and we on this side of the House have always opposed it. To prove this, I shall not go so far as my Honourable friend, Professor Banerjea, went, that is, to the year 1903, but I shall confine my remarks to those periods in which I was a Member of this Legislature. In the year 1927, when the Steel Protection Bill was brought before this House; though that Bill did not contain the principle of Imperial Preference in very clear terms, yet many Members of this House smelt it in that legislation, and what the Honourable Pandit Motilal Nehru said at that time would be useful even today to the elected Members of this House.

Mr. B. Das (Orissa Division: Non-Muhammadan): And also to the Government.

Seth Govind Das: Mr. B. Das is quite right there.

He said, Sir:

"It may not be Imperial Preference technically under any known definition, but every case where British goods are taxed upon one scale and other goods are taxed upon another and a higher scale, I say, is a case of preference; and that being so, I said when I interrupted my friend, Mr. Jinnah, that although it may not be Imperial Preference now, it was the thin end of the wedge."

The Pandit further said:

"We must guard against the introduction of the principle—it may not answer any technical definition of Imperial Preference; but if the principle is there, the poison is there and we must avoid it."

(Hear, hear).

The Honourable Sir Bhupendra Nath Mitra, who has just signed this Indo-British Agreement, assured the House on behalf of the Government, that by accepting that Bill we were not to accept the principle of Imperial Preference. But, Sir, even on the assurance of the Honourable Sir Bhupendra, the House was not convinced and the late Lalajpat Rai, in his eloquent peroration, said to this House thus—and I think that it will also be useful to the Members of this House. He said:

"It may not be Imperial Preference now, it is perhaps not Imperial Preference now, it is a discrimination between countries of origin, but a discrimination of this nature is bound to lead to further discriminations. Where are we going to stop? I may say, Sir, boldly, that the whole history of British activities in India and the whole history of British rule in India is strewn with the dead bodies of the best intentions and the best of motives. The British did not come into this country to conquer it or to establish their government here. One of their greatest historians has told us that the British Empire in India was built in a fit of absent-mindedness. We are afraid of that absent-mindedness."

Sir, what do we find? We find that the Government were not absent-minded when they wanted to get the principle of Imperial Preference accepted by this House; they were deliberately driven towards it, and this is proved by the fact that, within two years of the Steel Protection Bill, another Bill on Indian textiles was brought in in which a clear preference was given to Lancashire goods. They deliberately brought it at such a time when the Opposition in this House had become weak; the Congress members had resigned. I know that even if this House had rejected that Bill, His Excellency the Viceroy had power to certify it.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): They resigned last year.

Seth Govind Das: No, the Congress Party had resigned before. It was the Nationalists who resigned afterwards. I was saying, Sir, that I know that even if that Bill had been rejected by this House, His Excellency the Viceroy had power to certify it. But, then, this Government call themselves a civilised Government and they want to show to the world that they are ruling this country in the interests of this land. Therefore, they always try to hide their naked selfishness as far as it is possible for them to do so. They wanted the sanction of this House to the principle of Imperial Preference and they deliberately brought it at such a time when the Opposition was weak. But the selfishness is so

hat it cannot remain hidden for all time. It does manifest itself and then and the world knows it. So, in the end, this Imperial preference which they had in their mind for a long time, in spite of their denials came to light. No doubt the Assembly came to their senses but we know, and the Government also know, the kind of Assembly was. The real representatives of the people were not here at that time. (Voices: "Question".)

Lalchand Navarai (Sind: Non-Muhammadan Rural): Don't say all

Govind Das: I should say, most of them were not the representatives of the people. (Laughter.) Pandit Motilal Nehru called this principle of Imperial Preference a poison. We have seen, Sir, that it is poison, and, therefore, everything which is based on this principle becomes poisonous for this country. Therefore, this Agreement, which is based on this poisonous principle, I oppose, and that is what I said at the beginning, namely, that first of all I wish to oppose it on a principle.

Now, Sir, if we examine the merits of this Agreement, what do we find? It sets at nought the assurances which were given at the time of the Second Round Table Conference, namely, that all the safeguards will be in the interests of India. May I know whether the commercial interests of this country are safeguarded by this Agreement? It has violated the fiscal autonomy principle and that has been proved to the hilt by many Honourable Members on this side of the House. It will not allow Indian consumers to get articles from other countries at a cheaper rate. It is one-sided and that too has been proved by many Honourable Members on this side of the House. While we are bound over to take British goods, they are not bound over to take ours. No doubt a pious wish is expressed in this respect. But we know the value of such pious wishes. They are never made a practical proposition and they always remain on paper as pious wishes. Certain Members of this House would remember the Indo-Japanese Trade Agreement in this connection. But let me point out that that was quite a different thing. In that Agreement British interests were not at stake. The attitude of the Government immediately changes when the question of British interests comes in and not otherwise. Even the attitude of those Indian Members who sit on the other side of the House has changed in this respect. They are also always ready to sacrifice the interests of their motherland when the question of the British interests comes up.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes left.

Seth Govind Das: I will soon conclude my remarks. Then, Sir, another most vicious thing has been introduced in this Agreement and that is to be found in Article 7. Very few Members have stressed this point. According to this, British commercial interests have been given a right to interfere in the matter of tariffs which are purely domestic in this country. Nowhere in the world a foreign country has been given such a right. This is how Article 7 runs.

"His Majesty's Government in the United Kingdom and the Government of India undertake that, in all matters relating to this Agreement, they shall at all times receive and consider any conclusions, agreements or reports which may be framed as the result of conferences between the accredited representatives of industries concerned in the United Kingdom and in India."

An Honourable Member: What is the objection to that?

Seth Govind Das: The objection to this is that Pacts like the Mody-Lees Pact will be more frequent in the future. I say, therefore, that from every point of view this Agreement is against the interests of this country. It is against the principle of fiscal autonomy; it is against the industrialists as well as the consumers; it is against the growth of trade relations of India with other countries; and it binds down this country to the principle of Imperial Preference for all time to come without any discrimination and without any reciprocity. Therefore, I expect that all the elected Members of this House will vote in favour of the amendment so ably moved by my Honourable friend, Mr. Venkatachalam Chetty and will oppose the Resolution that has been moved by the Honourable Sir Joseph Bhore.

Sir Ghulam Hussain Hidayatallah (Sind Jagirdas and Zamindars: Landholders): Mr. President, as the question has been discussed at full length, I will not cover the same ground. The Honourable Member in charge has explained the principles underlying this Agreement, and he has told us that no new principles have been introduced. I have been listening to the debate for the last two days, but nobody has clarified or explained the import and implication of clause 3 of Article 3 read with Article 2. Clause 3 reads as follows:

"The differential margins of duty established in accordance with the principles laid down in the preceding clauses of this Article as between United Kingdom goods on the one hand and foreign goods on the other, shall not be altered to the detriment of United Kingdom goods."

Sir, in order to elicit the opinion of Government, I would like to develop my point by an illustration. Suppose the fair selling price in India of a protected article is Rs. 170, and for the same article of the United Kingdom the fair selling price is Rs. 150, and of foreign countries it is Rs. 130. Then we can levy a protective duty of Rs. 20 on the United Kingdom, which is called differential duty, and Rs. 40 on foreign countries. I will take another example. Suppose the fair selling price of the same article in the United Kingdom, owing to the cost of production being decreased, is reduced to Rs. 140 instead of Rs. 150, then can we in that case raise the duty on the United Kingdom goods from Rs. 20 to Rs. 30?

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Yes, Sir. Most definitely.

Sir Ghulam Hussain Hidayatallah: And, at the same time, continue on foreign countries goods Rs. 40?

The Honourable Sir Joseph Bhore: Yes, Sir.

Sir Ghulam Hussain Hidayatallah: I will take a third example. Suppose, owing to the reduction of the cost of production in the United Kingdom, the fair selling price is Rs. 140, and, owing to certain reasons the fair selling price of foreign countries, instead of Rs. 130, goes up to Rs. 140, can we in that case levy a protective duty of Rs. 30 on United Kingdom goods as well as on foreign countries goods?

The Honourable Sir Joseph Bhore: Yes, Sir.

Sir Ghulam Hussain Hidayatallah: That is very satisfactory. I will now request the Honourable Member in charge to tell me then what is the import and implication of this clause 3. Why has it been inserted?

The Honourable Sir Joseph Bhore: I will give my reply when I rise to reply to the debate.

Sir Ghulam Hussain Hidayatallah: I come now to Article 4:

"The Government of India further undertake that, in the event of any radical changes in the conditions affecting protected industries during the currency of the period of protection, they will, on the request of His Majesty's Government or of their own motion, cause an enquiry to be made as to the appropriateness of the existing duty from the point of view of the principle laid down....."

Is this then not a new right that is being given to His Majesty's Government of demanding an enquiry? (Hear, hear.) Have they ever enjoyed that right before? (Applause.)

Some Honourable Members: No answer.

The Honourable Sir Joseph Bhore: I shall give a very complete reply later on when I reply to the debate.

Sir Ghulam Hussain Hidayatallah: I will wait and hear reply of the Honourable the Commerce Member, and I need not tire the patience of this House by repeating the same arguments that have been advanced already by other speakers.

Mr. H. P. Mody: Mr. President, it is singularly unfortunate that a matter of this importance should have to be debated in an atmosphere charged with so much suspicion and prejudice. The Indo-British Treaty comes up for consideration before this House at a time when political feeling has been roused all over the country as a result of the character of the constitutional advance which has been envisaged in the Report of the Joint Select Committee, and it would have been very surprising if the Treaty had, in these circumstances, received that fair and dispassionate consideration which is due to what I regard as a document of the utmost importance. Sir, to a certain extent I am bound to say that the Government of India are responsible for the creation of this atmosphere of misunderstanding. (Hear, hear.) If they had taken Indian commercial opinion into their confidence, as so many organisations had asked them to do, I am certain that many of the misunderstandings which have gathered round this Treaty would never have existed. Surely the Government of India might have remembered what happened in the Indo-Japanese negotiations. Supposing Indian opinion had been kept at arm's length, and one fine day the country had been told that Japan had been given a quota of as much as 300 million yards. I am quite certain that there would have been a howl from one end of the country to the other. But, it is because we, Sir, the representatives of commercial and industrial interests, were associated with Government in the course of those negotiations, and realised their difficulties and appreciated all those political and international considerations that went to the making of this Agreement, that the Agreement did not evoke that criticism which it might have otherwise evoked. It is a thousand pities that the Government of India should not have appreciated the import of that proceeding, and should have proceeded to conduct negotiations in respect of the Indo-British Treaty without consultation with those industrial and commercial interests which count.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Then vote against them now.

Mr. H. P. Mody: That is the last thing I am going to do, and I will give my reasons. I know where the vote of my Honourable friend is going, and we both are equally happy. Now, Sir, this Treaty has got to encounter two types of critics. There are those who frankly are opposed to the idea of any understanding with Great Britain in the commercial sphere. (Hear, hear.)

Some Honourable Members: In any sphere.

Mr. H. P. Mody: I am glad that my Honourable friends approve of my sentiments. Their position is that so long as India's political demands are not satisfied, they refuse to have anything to do with either Great Britain or with any British interests.

Some Honourable Members: Quite so.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like the Honourable Member to be allowed to proceed without these interruptions.

Mr. H. P. Mody: Sir, I profoundly disagree with that stand-point, but it is understandable to me and I respect it. But, Sir, there is another type of critic and that is the individual or the organisation who examines the provisions of this Agreement and comes to the conclusion that it sacrifices the vital interests of India, and it is with that type of critic that I am going to join immediate issue. Sir, let the critics of this Treaty point out to the satisfaction of any impartial tribunal in what respect it violates either the Indian Fiscal Autonomy Convention.

Some Honourable Members: In every respect.

Mr. H. P. Mody: . . . or impairs the policy of discriminating protection which has held for so many years. It is no use waking us up at unearthly hours in order to receive circular telegrams consisting of one text and fifty paraphrases. There are hard economic facts which have to be dealt with on economic grounds, and I hope to prove—and I shall be as brief as possible—that in none of the provisions of the Treaty is there any violation of either the Fiscal Autonomy Convention or any impairment of the policy of discriminating protection. Well, Sir, what are the corner-stones? (Interruption.) I would just like to say to my Honourable friends that I am never afraid of interruptions, but time is limited, and if they interrupt me, it will engender heat without emitting any light. Sir, what are the corner-stones of India's fiscal policy? Protective duties designed for the purpose of helping the growth and development of certain industries, revenue duties designed for the purpose of meeting the budgetary requirements of the Government of India. And, lastly, Sir, in the last two or three years another principle has crept in, and that is that industries which have not established their claim to protection but which are affected by competition from abroad, no matter what the reason may be, can be protected under the scheme of the Safeguarding Act. These are the corner-stones of India's fiscal and economic policy, and I submit with confidence, Sir, that none of these has been touched in the Treaty.

I will briefly go over the features which have been objected to by my Honourable friends. The first objection that has been taken is that this Treaty, for the first time, admits that the quantum of protection which is to be given to any industry will be the margin between the fair selling price and the import price of the foreign article. Now, Sir, it may be that neither in the report of the Fiscal Commission nor in any other pronouncement has it been definitely and precisely laid down that industries shall not receive more than this margin. But, I submit that, without any such pronouncement, the practice all along, in all these years, since the policy of discriminating protection has been introduced in the country, has been to give the industry as much and no more than the amount by which it wants to equate its prices with the price of the imported article. The Fiscal Commission laid great stress upon the question of the burden on the consumer. I have fought the battles of various industries in this House and outside for a number of years, and I do not know how many times this question of the burden on the consumer has been brought up against me. Even when industries were asking for something less than the opportunity to realise their fair selling price, I have known Member after Member get up in this House and say that they would rather that industries suffered than that the burden on the consumer was increased. And, Sir, we should be, as a matter of practical politics, the last people now to say, "No, why should we be tied down to this quantum of protection only, namely, the margin? Why should we not have the liberty whenever we like of giving an undue protection to industries?"

Mr. M. S. Aney (Berar Representative): Not undue but adequate.

Mr. H. P. Mody: Adequate protection is implicit in the policy of discriminating protection; adequate protection is implicit in the terms of this Treaty. It is of undue protection we are thinking when we say that our hands are tied down by this provision.

Mr. M. S. Aney: No.

An Honourable Member: Are you sure?

Mr. H. P. Mody: Absolutely. Sir, it is quite true that we shall not be allowed, at least during the term of this Treaty, to give excessive protection to industries. But no industrialist, no nationalist, no economist, has ever ventured to ask either in this House or anywhere else that industries should be protected unduly with consequent detriment to other interests.

An Honourable Member: What do you mean by undue protection?

Mr. H. P. Mody: My Honourable friend wants to know what I mean by undue protection. By undue protection I mean that the industry is not only enabled to realise its fair selling price, which includes all costs of manufacture after taking into account the handicaps from which it may be suffering, a reasonable amount for depreciation and a very fair allowance for profits, but something in addition.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Have Government accepted that?

Mr. H. P. Mody: They have; and if we ask for something even more than the fair selling price, Government and the Legislature are certainly not going to give it. I should have been only too happy in the past if friends had got up here or outside and said, "Oh, take something more for luck!"

Then, Sir, the next feature that has been objected to is the question of differential duties. My Honourable friend, who last spoke, seemed to completely mix up differential with preferential duties. What are differential duties? Differential duties are implicit in the policy of discriminating protection. That policy lays down that consistently with the interests of the industry the burden on the consumer should not be heavier than is strictly necessary; and if one foreign country sells an article at a particular figure and another country sells it at a much higher figure, it would be absurd to have the same level of duties against both, because that will be unnecessarily hitting the consumer without benefiting in the least little degree the producer. That, Sir, is the vital difference between differential and preferential duties, and I am surprised that there should be any misunderstanding about it.

Now, what does Article 3 (2) say about it?

"The Government of India further undertake that the measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices for similar goods produced in India, and that, wherever possible, having regard to the provisions of this Article, lower rates of duty will be imposed on goods of United Kingdom origin."

Now, every single Article has got to be read in conjunction with the fundamental condition that the Government of India's undoubted right to protect industries to the full measure that is required, their undoubted right to impose revenue duties and over-riding revenue duties, and their undoubted right to impose safeguarding duties shall not be challenged by anything that is said either in this Article or anywhere else, even though it may be that the words used may create a little misconception, and it may be thought that in all cases there shall be lower rates of duty on United Kingdom products as against foreign products. I do not read it in that light at all, and I shall ask my Honourable friend, the Commerce Member, in his reply to make it perfectly clear that this Article is no bar to our imposing adequate rates of duty against United Kingdom products and, in suitable cases, the same level of duties as might exist against foreign products.

Seth Govind Das: That is your interpretation.

Mr. H. P. Mody: It is my interpretation, it will be the Government's interpretation. (Laughter from the Opposition Benches.) It cannot be otherwise.

Now, this system of differential duties has been shouted against as if it was something original, something which never existed. Times without number in this House differential duties have been accepted in the interests of the consumer. It is not the first time that we are giving expression to the principle. Differential duties have always existed; and, in this connection, let me point out something from a much abused document, the Indo-Lancashire Pact to which I was a signatory. While the Pact was denounced in certain quarters—and if I had the time to compare the

telegrams which have now poured in with the telegrams which poured in at the time of the Indo-Lancashire Agreement, probably the phraseology would also be found to be the same.

Mr. S. Satyamurti: The agreements were the same!

Mr. H. P. Mody: Yes, but some ingenuity might well have been exercised and the language might have been altered. What I was going to point out was that while the Agreement was denounced on the supposition that it made an immediate present of five per cent to British industries and thereby sacrificed the interests of India, and the centre of attack was upon that point, there was agreement between me and those of my colleagues who were associated with me, and who disowned me at a later stage upon this particular point. Those colleagues are respected leaders of Indian nationalist opinion. This is what the so-called Mody-Lees Pact says:

"It was also agreed that under present conditions owing to lower costs and other factors operating in foreign countries, the industry required a higher level of protection against them than against the United Kingdom."

This doctrine has been subscribed to, as I have said, by those who are the leaders of the various commercial organisations which are now protesting against this Treaty. So, I say, there is nothing new in the system of differential duties, and there is nothing objectionable in that system. To cite a recent instance. With the blessings of everybody the Government of India, in 1932, raised the duties on foreign textiles from 50 to 75 per cent. what time the duty on British products remained at 25 per cent: in other words, the country swallowed, without a lump in the throat, a differentiation of as much as 50 per cent., because the country felt, and rightly felt, that it was in the national interests that Japanese imports should be checked.

Another little point which has been objected to is the right of hearing. There again I agree that it is not laid down anywhere that non-Indian interests shall necessarily have the right of hearing. Something like it was decided upon at Ottawa. But let us take a practical view of the situation. I know from my own personal knowledge—and I have appeared before a few Tariff Boards and commissions—that not only British but Japanese interests have appeared before the Tariff Board, time and again, to represent their view-points

An Honourable Member: Not as a matter of right!

Mr. H. P. Mody: What does it matter? We are dealing with facts. Whether it is a matter of right or not, we have admitted it, and you have never challenged the practice. What is the use of saying "Not as a matter of right", as if the right was something sacred which cannot be touched? The point is, what is the practice?

The other and the more important provision is that at the instance of the British Government the Government of India will cause an inquiry to be made. There again I admit that it is a right newly conceded; but again it is not a right which has been newly put into practice. It is notorious that when the Government of India considers any fiscal measures, or even during the currency of a measure of protection, time and again representations have been received not only from the British Government

[Mr. H. P. Mody.]

and the Japanese Government, but from the Dutch, the Italian and every other Government affected by the particular measure proposed. If you talk of the rights, I have no answer; but if you talk of what the existing practice is (interruption.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair; he need not mind the interruptions.

Mr. H. P. Mody: I am sorry, but my friends show so much affection for me that they keep on inviting me to address them. Addressing the Chair, I would say that time and again representations have been made, not perhaps as a matter of right, but as a matter of practice, and we are doing nothing more than embody the practice. Here I would make a suggestion to the Government of India. I have always taken up the position that when any Indian industry's interests are threatened by a lowering of the prices of imports, the Government of India need not cause a Tariff Board inquiry to be made; but they might make such departmental or other inquiries as they think necessary and give the industry the needful protection. There, delay would mean a vital threat to Indian interests. But in the cases covered by this Article, where the British Government are not likely to make any representations to the Government of India except for the purpose of reducing duties, Indian interests are not immediately threatened; and my suggestion to my Honourable friend, the Commerce Member would be that in all these cases he should cause a Tariff Board inquiry to be made. Let Government not forget that whatever their action may be, by whatever motives they may be guided, they will always be suspect in the eyes of the public, and therefore, in order to place themselves above suspicion, they should order a Tariff Board inquiry in all matters in which they receive a representation from British interests with regard to reduction of duties, as is contemplated in this Article.

Another provision is that differential margins once established shall not be disturbed to the detriment of British interests. There again it is saying nothing more than what is implied in the idea of discriminating protection. British interests cannot come forward and say "You have got to maintain a particular differential duty in respect of this Article or that". They cannot be heard to say that so long as we keep the principle of equation of prices, and so long as the policy of discriminating protection is adhered to. I can envisage a time when it may be necessary not only to reduce the margin but even to do away with it altogether if conditions change.

Sir, I will not take up much more time: I shall dwell briefly with the object of the Treaty. In my opinion, it mainly seeks to define existing relations. It ensures that for the duration of the Treaty at any rate the *status quo* will be observed. Remember, in this connection, that this Treaty has got a limited duration. It expires with the Ottawa Agreement. The moment the Legislature decides that the Ottawa Agreement is not in the interests of India and the Government of India thereupon give notice of denunciation, the Treaty at the end of that period will also go; and, therefore, even if it was the fact that some material concessions were made, which I dispute, do not forget that they are for the period of the Treaty, and it is a strictly limited period. And what is the extent of the

concessions? It may be that they are not to be found in documents of state, but they do not go beyond the practice which has been established, except in regard to the matters to which I have referred.

Let us take the case on the other side. My Honourable friend, Mr. Nauman, said yesterday, that there were no reciprocal advantages; and he tried to show that the Ottawa Agreement had induced retaliation in foreign countries. But he has not shown that by figures. Do not say that there are no reciprocal advantages

Mr. Muhammad Nauman (Panna and Chota Nagpur *cum* Orissa: Muhammadan): Every day the volume of international trade is being reduced and there is a feeling in every foreign country that there should be retaliation in some way or other: Australia is resorting to bulk handling of goods and forsaking our corn sacks as much as possible. America is doing the same

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have another argument.

Mr. H. P. Mody: My Honourable friend seems to think that India regulates the financial world

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Mr. Mody does it.

Mr. H. P. Mody: No, but I would like to. What I was going to say was that if international trade is shrinking, it has not shrunk because of any action of India. It has shrunk because of the action of countries like the United States of America and Germany where currencies have changed, economic systems have been uprooted and tariff walls have been raised to unscaleable heights. It is on such account that international trade has shrunk. Members are talking as if there was no reciprocal advantage to be found in the Treaty. To digress for a moment, the Indo-Lancashire Agreement, which was denounced, contained a provision with regard to the increasing use of Indian cotton. What has happened since? The five per cent. possible advantage to Great Britain, which was so much criticized, has not materialised: nor do I think, knowing what we do of the financial position of India, that it can materialise this year: that is to say, it cannot materialise during the currency of the Indo-Lancashire Agreement. On the other hand, Indian cotton has been used to a much larger extent than was ever done before, and inside of one year the quantity taken by Great Britain has more than doubled. Surely, Sir

Mr. B. Das: What is the quantity?

Mr. H. P. Mody: Well, it is nearly 350,000 bales, and, I think, within a measurable distance of time, it will go up to half a million bales. If you think that half a million bales are not of much moment to the Indian cultivator, you might say so. Now, Sir,

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. H. P. Mody: I would request you to give me a little more time, because I have taken a keen interest in these matters, and I feel I should have a little indulgence from the Chair.

Now, Sir, the whole trouble has arisen firstly, because of the atmosphere in which this Treaty has been signed, and secondly, because of the record of the United Kingdom in the past. ("Hear, hear" from the Opposition Benches.) The United Kingdom did not hesitate in the past to use its political dominance for the purpose of securing economic advantages in this country. ("Hear, hear" from the Opposition Benches.)

An Honourable Member: Has it changed its policy now?

Mr. H. P. Mody: That is the miserable past, but that past has definitely changed.

An Honourable Member: No, no.

Mr. H. P. Mody: Today the United Kingdom does not seek to use the bludgeon which it employed in the past.

An Honourable Member: They still use it.

Mr. H. P. Mody: Today it comes to us, it makes overtures, it seeks the hand of friendship. Sir, in 1930, for the first time, the British Government made a representation to the Government of India, and asked them, begged them, not to impose against their imports the same duty which was being imposed against foreign countries, and the Government of India said in reply:

"As regards the second point in the Cabinet representation, the danger to British interests, we recognise that the possible decline in the consumption of Lancashire goods may be a serious matter, but we are clearly bound to put India's interests first."

And the Cabinet—my friend, Mr. Jinnah, knows at first hand all that transpired in those days. (Laughter from the Opposition Benches).—sent a telegram to the Viceroy on the 19th February, 1930, and said:

"The Cabinet has received your telegram and recognising position of India under Tariff Autonomy convention is precluded from offering any further comments on your proposals."

Sir, I refuse to believe that the Government of India, which stood up for Indian rights in 1930, would sacrifice them in 1935. And, Sir, I refuse to believe still more that the chief negotiator on the Indian side, my friend, Sir Joseph Bhore, would ever be a party to the surrender of Indian interests. (Applause from all sides of the House.)

An Honourable Member: But has he not done it?

Mr. H. P. Mody: My Honourable friend may think as he likes. I do not care. I have watched, as some of my friends have watched, at close range, the work which my friend, Sir Joseph Bhore, has put in as the first Indian Commerce Member, and I say, Sir, the record which he will leave behind will be one of which any Indian may be proud. Do not forget, Sir, for a moment that this Agreement does not embody all that was asked on the other side. Everyone knows that the Die-hard section in England

pinned their faith to an immediate reduction of duties. To them only a reduction of duties mattered; the Government of India resisted all those demands, and all that they have done is to give embodiment to certain principles which have been recognized in practice in this country.

Sir, the same organizations that have sent us telegrams at dead of night poured their blessings upon the Indo-Japanese Agreement. When it comes to a question of Great Britain's taking of India's raw products, they say that Great Britain is bound to take them because she cannot get them elsewhere. Well, if that were a valid argument, which it certainly is not, then why was it not employed in the case of Japan? Japan was buying very large quantities of Indian cotton at a time when she was not sending any cloth to this country, and yet the threat of the Japanese industrialists that they would boycott Indian cotton was seriously taken, and India had to submit to a quota of four hundred million yards, with disastrous results to the national industry. Those friends who poured their blessings upon the Indo-Japanese Agreement, in which the vital interests of India were, in my opinion, sacrificed to a certain extent, cannot oppose this Treaty which merely embodies the present practice and clarifies the relations between the two countries.

One word more, and I have done. The political system of Soviet Russia was abhorrent to the civilised world, and yet it did not stop the United Kingdom and other countries from seeking an economic agreement with Russia, because economics are hard realities, and the world must come closer and closer together economically before there can be any political appeasement. I beg of my friends not to reject these overtures, not to throw away this Agreement, but to realise its vast implications to the interests of both countries. (Applause.)

Mr. M. A. Jinnah: Sir, in the first place, I wish to make it quite clear that we must not drag in personalities of Members of Government. (Hear, hear.) I have the greatest regard and respect for Sir Joseph Bhore, and I shall be the last person to suggest, even remotely, that he has not done his best, situated as he is. Honourable Members must not forget that it is not Sir Joseph Bhore who has signed this Agreement, but it is the Government of India,—and we are concerned with this Agreement from that point of view,—it is the Government of India who have signed Agreement, and the question is, whether we are prepared to ratify it. That is the position before the House. Therefore, I hope there will be no kind of suggestion that Sir Joseph Bhore has not done his best. I have no doubt that he has done his best.

The second point I wish to make clear is this. I rather feel some difficulty, because the Honourable Member who is sitting to my left is a member of my Party, and I have equal respect and regard for him,—and I can go even a little further and say that he is a personal friend of mine, but with all that regard and respect and friendship, I am not bound to agree with him if I think that he is in the wrong. I was very anxious indeed to follow him, and I followed Sir Joseph Bhore, Mr. Mody and also Mr. James, and, I think, if I take these three speakers, they pretty well represent the Government case in support of this Agreement. It has a history behind it, but I do not want to go into the details. I think this House will agree with me that the British policy and practice started with this—I won't go into those

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off-repeated instances of history,—but I think it started with this that Lancashire and Manchester cloth was supported in this country at the utter sacrifice of those industries that existed here at that time. ("Hear hear" from the Opposition Benches.) Gradually the British Government realised that that was manifestly unjust, but they deviated from that policy to this extent that instead of heavy duties being imposed and maintained on the goods of this country in order to give an unfair advantage to British goods, they adopted the policy of imposing excise duties, and we all know the history of excise duties. Sir, when I was a student in London, I got a shock when the Secretary of State that time,—it was forty years ago—went and made a speech to his constituency, and said—he said to his constituency that it would be manifestly unjust to impose excise duties on nascent, infant industries of India. Within three weeks or four weeks of that, standing on the floor of the House of Commons as the Secretary of State, he supported the Resolution putting the excise duty. At that time I was a student and I really could not understand this mystery. But, afterwards, I have been able to understand the mystery a little better, and I understand, now, and I understood some time ago that, if he had not adopted that attitude, his Government would have been defeated by the solid vote of Manchester and Lancashire, and he had to do it. That excise duty has been characterised by every fair-minded man. It was historically wrong, it was politically wrong, it was morally wrong. It was every way wrong, but it was maintained until only a few years ago, when it was removed under the pressure of the Opposition, helpless as we are. Therefore, we now come to this position, that the Government of India are, after all,—they cannot forget, and they are in fact,—a subordinate Government, and the policy of the Government of India has been a policy of a subordinate entity, not an equal entity. The Government of India in those conditions have to occupy the role of a subordinate party. Now, what do we find? After a great deal of agitation in the country, we adopted a policy of protection. A policy of protection was adopted in 1923 by a Resolution of this House. What is that policy? In one sentence—Honourable Members talk about this word, discriminating, discriminating, discriminating, but what does it mean? It does not mean that discrimination applies to the various foreign countries, that we have to discriminate in favour of one foreign country more than in the case of another. No. Discrimination means this, that we should not put an undue burden on the consumers of this country. To that proposition, Sir, I fully subscribe, and I shall be the last person to adopt any measure merely for the purpose of giving protection to my Honourable friend, Mr. Mody's industry, and put an undue burden on my people. After all, his industry is only one particular part of this great country. I am willing to help him, but not at the extraordinary expense of the consumer. That proposition I accept. But there—Mr. James said to me or told the House, "what a great advantage you have got. His Majesty's Government have recognised that." But where was the doubt? If His Majesty's Government do not understand and if the world does not understand that that has been our policy, why am I going out of my way to explain to His Majesty's Government by a solemn Agreement signed and sealed by two Governments? It is clear. Very well. Then, my Honourable friend on the Government Benches, Mr. Dow, was at great pains to convince this House that the Fiscal Autonomy Convention is also by this Agreement saved and preserved. But what is the Fiscal Autonomy Convention, may I know? I know he read

from the report of the Joint Parliamentary Committee. How is it saved by this document? The Fiscal Autonomy Convention—how do you save it by this document? It is not saved; it is not destroyed; it is there. But, Sir, it is like the will-o'-the-wisp, and we have had experience of that for some time.

(Mr. H. Dow (Government of India: Nominated Official): I am afraid the Honourable Member is rather misrepresenting me. I did not make the statement that he has attributed to me. What I said was that the Fiscal Autonomy Convention was in no way threatened by this Agreement.

Mr. M. A. Jinnah: And what follows from that? The only implication of that statement in a speech is that it has been strengthened or supported or confirmed, otherwise there is no

Mr. H. Dow: There is no such implication.

Mr. M. A. Jinnah: If it is not threatened, then it is outside the Agreement, nothing to do with the Agreement. Why labour that point? I will accept, Sir, that Fiscal Autonomy Convention has nothing whatever to do with this Agreement. I accept that. But, then, how do you justify this Agreement? I certainly followed the Honourable the Commerce Member. He said, well, the first is only a preamble and it merely says that it is a Supplementary Agreement to the Ottawa Agreement. It may be, some Honourable Members may agree with the Ottawa Agreement. Some may not agree with it, and, after all, it still remains to be seen that the Ottawa Agreement is really beneficial to Indian interests. I am not prepared, speaking for myself, by accepting this preamble which characterises this Agreement as a supplementary agreement, to consent to the Ottawa Agreement, because, if I say I accept the Supplementary Agreement, I am subscribing to the terms and conditions of the main Agreement, and I cannot possibly give my consent to that preamble.

Now, let us take the operative part of the Agreement. The Honourable Member said, "We are doing nothing. Every thing really was clear, but we only wanted to crystallise what already was thoroughly crystal clear, as to what is our policy and practice". I have never yet known two parties, entering into a solemn agreement and laying down terms and conditions, to make clear a thing which was as clear as crystal before. If Government wanted to do that and if there were some very, very unreasonable person who refused to see what was clear as daylight, and if they really wanted to go out of their way to satisfy that unreasonable person, they could have declared it by a communique and said that "Lancashire and Manchester people are so unreasonable that they do not see what is clear as daylight, and, in order to satisfy them, we issue a communique and make our position clear as crystal". But what is the use of this solemn Agreement, that two Governments, two mighty Governments of the world, sit together and reduce their talks to articles and sign them? Therefore, I refuse to believe that my Government is so very incapable as to merely sign this Agreement for that purpose. Therefore, Sir, this Agreement must mean something. Otherwise, there is no meaning in this Agreement. Then, why fight? Why quarrel? It means nothing. Withdraw it. (Laughter.) Then, what does it mean? The Honourable Member has not explained to me yet

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what it means, but Mr. Mody tried to explain to me what it means. I welcome that. Let us forget this Agreement. Mr. Mody says this, that, in giving protection to our industries, we have got to examine the selling prices. I agree with that. That is the test of this Agreement. The test is that if we consent to it now, we shall be tied down by this Agreement in future; the only test, the only factor, that you can possibly take into your consideration is the selling price and no other factor and no other consideration. Am I right? I should be glad to be corrected?

The Honourable Sir Joseph Bhore: Fair selling price includes a number of considerations.

Mr. M. A. Jinnah: I know that. It undoubtedly includes a number of considerations, but, ultimately, having taken that into consideration, the conclusion is, say, selling price 170 of Indian goods, British goods 165 and foreign goods 155, and the marginal difference will be on that footing. That is correct. Very well. Now, I want to ask the Government and the experts of the Government—the economists—is that the only test?

An Honourable Member: Test of what?

Mr. M. A. Jinnah: Test of giving adequate protection to the Indian industry. Is that the only test? (*Voices: "No."*) You are confining yourself to that test and no other test. I challenge Government to refute that. You are binding India to that and nothing else. That is not our policy. Now, the Honourable Member may ask—have we not done that? Yes, we have and we shall do it again if and when necessary in a particular case. But here you lay it down that this will be applicable to all cases and it will not be open to us to apply any other test or take any other factor into consideration. I refuse to be tied down to that. I give you an instance. I know some of my Honourable friends have still not appreciated the position that we took up with regard to the Steel Bill. In that particular case, we were convinced—some of us—not that we were laying down a universal rule or test for all times to be applied to every single case that ever came before us. In that particular case, on the merits, we felt that we must take a particular course of action. I don't have a grudge against the British. I bear no malice to anybody. Even Mr. James said very rightly that India's interests are to be considered first. After we have taken care of our own interest, we are willing in a friendly way to give and take. What did we do in the Steel Bill? After weeks of examination and cross-examination of various parties, I was convinced that if I were to put the same duty on the British steel, I shall be imposing an undue burden and an unfair burden on the consumer and that is why I supported that measure. I am not going to be confined to that one test, the selling price, and, if in any other case, that comes before this Legislature, I am satisfied that I should follow that precedent, I shall have no hesitation in doing so. Here you are tying me down, that this will be your guiding star, viz., "Selling Price." I refuse to follow that star. The Honourable Member said that we must not mix up politics with economics. Surely, I think Sir Joseph Bhore is living far away from the world of economics when he says that. It may have been a century ago, but today it is all economics and no politics. That is the central pivot over which Europe is revolving, and you say to me that I should not mix up politics with this Agreement. I refuse to follow that. Your economics are the foundations of your politics. If you have no economics, you have

no politics, because you have not enough to eat to talk about politics. What is happening in the world today? I am compelled to give that marginal duty to Great Britain as against any other foreign country. With this halter round my neck, I go to Germany, to Italy and to France. They will say to me "Look at what you are doing. We produce goods very nearly as good or better than the British, and yet you are giving the British the advantage. You are putting less duty on them and more duty on us." I want Germany to take something from my country. England is not the only country which is taking everything from India. Is Canada, is Australia, bound by this one guiding star which you are presenting to me? Therefore, this Agreement is full of meaning, and it is a new departure which I am not prepared to subscribe to. It is said, and my Honourable friend, Mr. Mody, said—of course he is a business man, and I am not a business man, I am an unfortunate lawyer, and in law my Honourable friend did not find a place. (Laughter.)

Mr. F. E. James: The Honourable Member thrives on the business man. (Laughter.)

Mr. M. A. Jinnah: Sir, so long as there are fools in this world, the lawyers will thrive. (Laughter.) Now, Sir, is this to be lightly treated, is this clause to be lightly treated? I can understand our Tariff Board having unfettered discretion to hear any interest, anybody, as they like and when they like. I can understand that. For instance, tomorrow, supposing there is some question which crops up before the Home Member. Somebody has got a grievance as he has made some order or is about to make some order. Can I tell the Home Member that this gentleman is coming to you with his solicitor and his counsel and he wants you to hear them and wants to cross-examine those witnesses before you, before you make any order and you must give him and his legal adviser a hearing? What will the Home Member say to me? He may, it is open to him, or he may not. Now, why is that so? Is it based on some principle? Has it got any justification or not? Otherwise, anybody will appear before him, anybody will go there and fight his case before him as a matter of right. Now, the only place that I know of, where a man has got some right and is entitled to be heard, either in person or through his representative, is a Court of law. I have never heard before of such a suggestion that your Tariff Board is bound to hear any one as a matter of right. That is a big and peculiar principle that you are introducing, and unless there is some clear justification, I refuse to subscribe to that principle. Is His Majesty's Government prepared to give me the same right that India should, as a matter of right, present her case to their authorities who determine tariffs, when it affects our interests? Is it in the Agreement? And why not? If His Majesty's Government, if Great Britain, and their industries are entitled, as a matter of right, to appear before our Tariff Board, what have we got in return? Have we got it in return that India also can appear as a matter of right before whoever is the authority which determines tariffs if our interests are affected? Have you got that? No, no, you have not got that under this Agreement.

An Honourable Member: There is no such reciprocity.

The Honourable Sir James Grigg: What duties are there in Great Britain against Indian products?

Mr. A. J. Raisman: That is the point. There are no protective duties.

Mr. M. A. Jinnah: There are—I beg your pardon—you only show your ignorance when you say there is no such thing. There are many things that India imports into England and other countries also.

The Honourable Sir James Grigg: There are no protective duties.

Mr. M. A. Jinnah: What about tea? What is the good of your talking? Therefore, Sir, I cannot subscribe to it now. Then, there is the next point. What do we get—and this is, to my mind, a monstrous term in the last part of clause 4 where our Government are not to be trusted if there occur changed conditions. It says here:

“The Government of India further undertake that, in the event of any radical changes in the conditions affecting protected industries during the currency of the period of protection, they will”—*that is, this Government will*—“on the request of His Majesty’s Government or of their own motion, cause an enquiry to be made as to the appropriateness of the existing duties from the point of view of the principles laid down in Article 3”—*mark, the principles laid down in Article 3, and what are those?* “Equating prices to fair selling prices”—*(An Honourable Member: “and not disturbing that equation”) and not disturbing that equation*—“and that, in the course of such enquiry, full consideration will be given (Hear, hear) to any representations which may be put forward by any interested industry in the United Kingdom.”

Sir, I do not wish to take up the time of the House any more, but I have—believe me, and I hope this House will believe me—I have not approached this question—and I hope even my friend, Mr. Mody, will not put me in the category of those who say that we refuse to come to any kind of fair and reasonable arrangement between Great Britain and India until our political demands are conceded. That is an issue which we have to fight. I am not going to wait until we have settled that issue. Pending the settlement of that issue, I am quite prepared for exchange of goodwill as far as possible—because we cannot wait until that question is settled. Things are moving, events are moving, and, therefore, I am not going to tie myself down to the proposition that I am not going to come to any agreement, that I refuse to make any adjustment until you have conceded my political demands. I do not put forward that proposition. Pending that even, I am willing,—but, Sir, any agreement, any adjustment, must be fair, must be just, and, above all, must be entered into, mark, as being inspired by a proper policy and a proper spirit, and, in fact, by a Government which proceeds, not in a spirit as a subordinate Government, but as an equal Government with Great Britain. (Loud and Prolonged Applause.)

Pandit Govind Ballabh Pant: Sir, if I heard the Honourable the Commerce Member clearly yesterday, he asked the House to examine this matter in the light of cold logic, free from passion or prejudice. I think I am repeating his words correctly. He wishes us to handle the subject in the manner the surgeons dissect a dead body on the operating table. I am prepared to meet his wishes. Sir, I may as well tell him at the outset that I have no desire to import any prejudice myself, nor do I consider it incompatible with the pursuit of the ideal of independence to consider any suggestions for trade arrangements on their merits. In fact, the intrepid champion of Irish Independence, Mr. De Valera, had only recently entered into a Treaty with Great Britain relating to coal and cattle. On the other hand, there is enough of trouble at present in Australia and Canada on account of the Ottawa Agreement. So there is no question of political opinions necessarily involved. The question can be easily decided on its merits.

First of all, I do hold that it is the duty of the Honourable the Commerce Member as well as of the Government of India to be guided in these matters, in spite of what Mr. Mody may say, by the opinion of the commercial associations in this country. I have here before me a bundle of representations and telegrams from prominent commercial organisations in this country. They begin with the Federation of the Indian Chambers of Commerce and Industry and include many Chambers of Commerce, such as from Berar, Baroda, Bengal, Cawnpore and other principal commercial centres in this country. It is obviously improper that the Government should deal with these questions without consulting commercial opinion. Sir, if I remember aright, the Honourable the Commerce Member said in reply to this charge that they were aware of the views of these commercial bodies, and, therefore, it was not necessary to consult them. Should I infer from this remark that the Government fully knew then that all the Indian Trading and Commercial interests in this country were dead opposed to this Agreement? Was it because of this knowledge that they precipitated this arrangement although many other issues of greater moment, which have a bearing on this question, are still undecided? Was it fair and proper? Sir, on the other hand, if the Honourable the Commerce Member, who claims to have been familiar with the commercial opinion in India, was labouring under a mistake then, will he now revise his attitude in the light of the unanimous condemnation of the Agreement by all shades of Indian opinion and move for its withdrawal? I pause for a reply, and I should very much like to be enlightened on this point in either case. There are one or two other matters on which too I would like to be enlightened by the Honourable the Commerce Member. The President of the Federated Chambers of Commerce wired and submitted a representation to the Government of India for an interview in connection with this matter on or about the 15th December and followed it up with other representations. The Government did not grant them an interview; they did not give them any opportunity of appearing before them. About the same time, what was the Government in England doing? The Honourable Mr. Sturton inquired from the Right Honourable Runciman on, I think, the 13th December, as to whether he was going to consult the opinion of the commercial bodies in Lancashire. Mr. Runciman replied that he was in close touch with the representatives of Lancashire with whom he had a conference only that morning. I am quoting his language. Thus, the Government in England were constantly in touch with the commercial interests there. Now, if we look at the Agreement itself, you will find the commercial interests repeatedly mentioned in this Agreement so far as Great Britain is concerned. For example, in Article 4 you will find that the Government was to be influenced by the commercial interests in the United Kingdom. In Article 5, again, you will find that the Government were to make certain efforts in co-operation with commercial interests there. Again, you will find further on that commercial interests were to inspire and to influence and probably determine the attitude of the Government in England. As compared with that, what was the attitude of this Government? Look at the text of the Agreement. The Government of India thereby guarantee and ensure a permanent and free right of approach and representation to foreign commercial interests. But to the accredited representatives of indigenous commercial interests in spite of their repeated appeals, they would not grant audience or hearing. This is not all. The lamentable contrast does not end there. Another event happened about the same time. His Excellency the Viceroy opened the annual meeting

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of the Associated Chambers of Commerce at Calcutta on the 17th December last and observed:

"May I say that, for my part, I am delighted to have this opportunity of meeting once again the members of the Associated Chambers."

Further on, he said:

"I look forward each year, during my visit to Calcutta, to gaining first-hand information from you, Gentlemen, on the many aspects of the commercial situation."

The matter needs no comment.

The head of the Government of India goes to Calcutta, and seeks—or let me say, welcomes—the opportunity to open the annual meeting of the Associated Chambers of Commerce, expresses his delight on meeting its members and openly declares that he looks to them for light and guidance in commercial matters. The dates are so close—13th, 15th and 17th of December. Here you see the marked contrast between the attitudes of the Government of India towards the two bodies of commercial opinion even in this country, namely, the European as distinguished from the Indian and this furnishes a key to the Indo-British Agreement and I must confess that I read in it much more than what appears on the surface. Sir, I do not envy the lot of the Honourable the Commerce Member. His very appearance disarms opposition. He has my sincere sympathy, but unfortunately there is nothing in common between him and me seated as we are on these opposite Benches. There, in England, the Right Honourable Runciman, the President of the Board of Trade, with the Board of Trade consisting of experts belonging to various trades and industries, considers it essential to consult the industries of Great Britain in order to make up his mind over this Agreement. He is the elected representative of the people and he is not an inexperienced man. He was the President of the Board of Trade, I think, also in 1915. In spite of his vast experience of the industries of Great Britain, Mr. Runciman considers it necessary to consult the representatives of the industries and trade in Great Britain about this Agreement, though Sir Joseph Bore thinks that there is nothing substantial in it and there was much ado about nothing. The reason is obvious. The Commerce Member does not represent anybody in this country. Has he a single vote to his credit and is he responsible to anyone in this country? The real fact of the matter is that the Government of India are a Government only in name and by courtesy. You may call it a Government only for the purpose of expressing briefly what otherwise would take many words to express. It is just like the Government of Delhi where the Chief Commissioner is described as the Local Government. But what, in fact, it is? If you are to define it accurately, the Government of India might well be described as the Managing Agents of the Unlimited Combine of Adventurers, interpreneurs and Capitalists of the United Kingdom for the exploitation of the East Indies. I will say a few words about this curious Agreement. An agreement between whom? Between the head and the feet? Agreement between which two parties? We have heard of a certain practice which was in vogue in China of yore when the feet of female infants were cramped and crippled and put in steel shoes. There was then an agreement between the head and the feet, but with the result that the feet were confined

within the steel mould for ever, though the head remained free to move as it liked. There are agreements in our country between the emaciated limbs and the heads of certain roving hermits and ascetics. There are agreements in this country between a certain class of keepers of cows in places like Calcutta who despatched the calves immediately they are born to heaven to save them from the trials and tribulations of this world and in return enjoy the benefit of all the milk that they can get out of the cow. This is an illustration of the agreement between the cow and its keeper. I wonder, however, what say the cow in the case of the *gowala*, or the feet in the case of the Chinese little infant, or the emaciated limb in the case of the roving hermit had in determining their respective agreements. Similar is this Trade Agreement. Sir, in this sense, I am willing to call this arrangement an agreement just as I call this administration the Government of India, but in reality both are euphemisms and impositions.

Now, Sir, I will very briefly comment on the text and implications of this Agreement. My Honourable friend, Mr. Mody, has covered all the ground from Soviet Russia to the shores of Bombay and right on to Delhi which has to her credit the rise and fall of many an Empire. I do not care to go with him wandering over all these lands. But I would ask him one or two questions. Does not this Agreement purport to make Imperial or British Preference an integral part of the fiscal policy of this country and to enlarge its scope? Well, my Honourable friend, Sir Joseph Bore, shakes his head. I can only tell him that others may interpret it differently and he is to go out of office after a few months. In fact, there has been too much of time wasted and too much of disinterested sympathy heaped over that poor creature called the consumer. I wish these gentlemen had realised what the policy of discriminating protection tacked on to Imperial Preference, even in part, means to the consumer. I will just give a small illustration. Supposing you produce—assuming that all relevant factors are taken into account in determining the fair price—supposing you produce goods in this country for Rs. 70 per maund and in other countries they produce for Rs. 50 per maund. Now, you impose a duty of Rs. 20 per maund, so that the producer may have a reasonable price to start with. I hope I am correctly representing the case. I would ask the Honourable the Commerce Member to correct me if I am wrong. I think I am correct. Then he puts on it a tariff duty of Rs. 20 generally for all the foreign countries, but he says that, so far as England is concerned, the duty will be different.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must conclude in two minutes.

Pandit Govind Ballabh Pant: I regret I cannot pursue this point as I have to finish. I hope we shall have a debate some other time and then I may speak. That reminds me of another point. The Government had undertaken in the last Assembly, if I remember aright, that they would give an opportunity for discussing the report of the Committee on the working of the Ottawa Pact. Even before giving an opportunity for the promised discussion, the Government have thrust this Supplementary Agreement down the throats of this country. Then we could have gone into these matters fully. It is absolutely true that the policy of Imperial Preference imposes additional burden on the consumer and makes his lot

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worse. Sir, how is India benefited by this Agreement? We are told that Indian exports to England have increased—I admit the correctness of the statement, and there are many reasons for this increase on which I have no time to dwell at present, but this important fact remains and the House will, I hope, bear it in mind, that the increase in the case of preferential goods has been about 20 per cent, while, in the case of non-preferential goods, it has been about 50 per cent. This clearly proves that preference has nothing to do with this rise. The imports into India of United Kingdom goods have gone up by several crores in those articles in which England gets preference.

In conclusion, I have only one word to say. The Honourable Member opposite, the Joint Secretary for Commerce, while speaking yesterday, said that it was no more than a mouse that had been raised into a mountain. He perhaps forgets the mischievous qualities of this animal. The mouse, Sir, specially the bigger variety of it, furnishes congenial abode and breeding ground for plague bacilli and has caused greater havoc in this country than many other epidemics and endemics put together. If you, Sir, want to save this country from this medium of plague bacilli, you must not only kill it, but also pour oil over it and apply a match to it. (Applause.)

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I assure the Honourable the Commerce Member that the remarks which I shall make will be in accordance with the principles of coldest logic. But, I am afraid, Sir, that I shall not be able to follow his advice as regards not examining this Treaty from a political point of view. I am sure, the Commerce Member will admit that towards the end of his speech he himself referred to the fact that if this Treaty is worked well, the safeguards may be relegated to a place where they may not be used. It is clear, Sir, that even he does not think that politics can be kept out of a commercial treaty. Sir, I am not prepared to make much of want of previous consultation with commercial interests which has been referred to by several speakers. So long as the Government of India are willing to place a treaty negotiated by them on their own responsibility before the Legislature for its approval, the Government of India need not adopt previous consultation. They take the risk of the Legislature's disapproval as they have taken the risk today. If the Government of India desire previous consultation, then I feel that it is not enough that there should be previous consultation only with commercial interests. A commercial treaty does not affect the interests only of commercial people, but affects the interests of the whole country. It affects the interests of agriculturists and it affects the interests of workers engaged in industry. If you ask my view, I feel that a commercial treaty affects the interests of workers much more than it affects the interests of people who call themselves traders and merchants.

Unfortunately, not only the Government of India, but many Members of this Legislature feel that it is only commercial people who are interested in a treaty of this kind. Only recently the Government of India called some people for consultation in connection with the Indo-Burma Treaty to be negotiated by them. They called people interested in commerce. In Burma, three-fourths of the Indians resident there are labourers and any treaty to be negotiated with Burma should certainly be negotiated in consultation, not only with commercial interests, but, with people who are interested in the welfare of labour also. I, therefore, feel, Sir, that if there is to be previous consultation with any interests, there should be previous consultation with all interests which are affected by a trade treaty. I feel that wherever previous consultation is necessary, that previous consultation should be with a committee of this Legislature and not with any private people.

Sir, coming to the provisions of this Treaty itself, I propose to examine it from two points of view: whether it is equitable to the two parties to the Treaty, and, secondly, whether the Treaty will create any further complications preventing our co-operation with any other countries in the world. Sir, the Treaty consists mainly of three parts. The first is, as the Honourable the Commerce Member has stated, enunciation of certain principles by which protection is to be given to Indian industries; secondly, it tries to give effect to the provisions of what is called the Mody-Lees Pact; and, thirdly, it provides for a certain arrangement regarding the entry of pig-iron into Great Britain for a certain period. So far as the treaty which is known as the Mody-Lees Pact is concerned, in the previous Assembly, I had expressed my view that it was a wrong treaty, it was more or less an one-sided treaty. I had also expressed my view that it was wrong for any private party to negotiate a treaty bargaining away the trade of a country.

Mr. H. P. Mody: What precisely have you given away?

Mr. N. M. Joshi: I am coming to that.

Now, this Treaty embodies what is known as the Mody-Lees Pact. It does not give to India anything more than what is provided for by the Mody-Lees Pact, not much more in any case. But, from the point of view of India, we are giving to Great Britain a binding as regards the principles by which our protection policy will be guided. Sir, the Commerce Member stated that we are merely stating our policy as regards protection, but in merely stating that policy in a treaty we bind ourselves to follow that policy for all time whether we desire that a change should be made or not in future times. Secondly, the Honourable the Commerce Member, in reply to a question put by my Honourable friend, Sir Ghulam Hussain Hidayatallah, replied in the affirmative to the question which he put. But I am not satisfied, considering the language which has been used in the Treaty itself. The Treaty lays down very clearly that the differential margins given to Great Britain shall not be altered to the detriment of Great Britain. Sir, let us know from the Government of India what is exactly the meaning of this. I feel that this is not a principle which this Legislature or even the Government of India have ever accepted before. If any change is necessary in the differential margins, India should be free to make that change. I should, therefore, like the Government of India to explain when

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this principle was adopted by the Legislature and by the Government of India themselves. Now, Sir, so far as Great Britain is concerned, what has Great Britain given to us in return for what we promise to them? Great Britain promises to take a certain quantity of cotton and other goods. In this connection, I should like the people who represent the British Government and who speak on their behalf to avoid talking of doubling and quadrupling of the quantities of cotton. That is a misleading statement. It is much better that the quantities of cotton taken by Great Britain should be mentioned, and, at the same time, they should also mention the exportable surplus of cotton in India. Then alone the ordinary public will be able to know what exactly Great Britain is doing in the matter of importing Indian cotton into that country. Secondly, Great Britain agrees to give certain facilities for Indian trade in the colonies. Is there any gain here? Who believes that Indian trade will get facilities in British colonies? With the connivance of the British Government, the Indians are now being driven out of existence—in Kenya, Zanzibar and Tanganyika and other colonies. When we are being driven out of existence, what is the possibility of Indians securing facilities for trade in British colonies? What is the use of the British Government giving us a promise that they will give facilities for our trade? Then, it was said by my Honourable friend, Mr. James, and also by Mr. Mody that the Treaty is a reciprocal treaty. Besides these two vague promises, what has Great Britain promised in return for what we have promised? We have given them a definite promise saying that our protection policy will be a particular policy and that it will not be changed as long at least as that Treaty lasts. Does the British Government in return, as a reciprocity, say that this is going to be their protection policy? They are not prepared, I am sure, to give India a promise as regards the differential margins which we are going to make to them. The British Government, as a matter of fact, cannot give them that promise; the dominions and the other colonies will not allow Great Britain to give a promise that India alone will get preferential treatment. It is not within the power of Great Britain to give that promise. Why was that condition then entered into? I feel that this Treaty is inequitable from the point of view of Indian interests. Not only is this Treaty inequitable economically, but I feel that politically this Treaty is unwise. The Honourable the Commerce Member told us to avoid politics in this debate. I feel very honestly that the origin of this Treaty is a political origin. Last time, when this question was discussed in the Assembly, I quoted one sentence from the evidence given by the Manchester Chamber of Commerce; and I am afraid I shall have to quote that sentence again. This is what the Manchester Chamber of Commerce said in this evidence:

"A country yielding such powers (that is, the powers to be given by the new Constitution) is entitled to press for a continuance of the *status quo* in directions vital to her economic life."

Lancashire and British commerce had enjoyed certain privileges in this country. They want these privileges to be maintained even under the new Constitution. This is the origin of this Treaty. My Honourable friend, Mr. Mody, when he spoke in the previous Assembly on the question, said that, on account of the Mody-Lees Pact, the relations between Great Britain and India had improved—at least the attitude of

the Lancashire Chamber of Commerce had improved so far as the question of granting freedom to India was concerned. He said that one of the objects of his making that Pact was the goodwill of Lancashire. My Honourable friend, Mr. James, also said that if we make this Treaty with Lancashire we shall secure their goodwill. Sir, we want the goodwill of Great Britain. And, in order to secure that goodwill, Mr. Mody signed his famous Mody-Lees Pact; and what happened after the signing of that Pact? After the signing of that Pact, the Manchester Chamber of Commerce insisted in the Joint Parliamentary Committee that there should be a further safeguard against penal tariffs

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural): That is not correct: they put in another memorandum which is far better than what they put in in the beginning.

Mr. N. M. Joshi: And last time my Honourable friend, Mr. Ghuznavi, got up and said that the Manchester Chamber of Commerce had changed their heart and they did not want a safeguard against their commerce; but soon after my Honourable friend made that speech, the Joint Parliamentary Committee Report has been published and the safeguard for what is known as the penal tariff has been put in in that report. We have been trying to secure the goodwill of Great Britain; we tried to secure the goodwill of Lancashire by the Mody-Lees Pact. The Government of India are now making this Treaty: are we likely to secure that goodwill?

Mr. F. E. James: Not by throwing it out.

Mr. N. M. Joshi: We are not likely to secure their goodwill: their demands for showing signs of goodwill go on increasing; their thirst is insatiable: you may give one treaty; you may give them another treaty; they will still ask for your signs of goodwill towards them. I feel that the time has come when we should say "No further". I feel that if a treaty is necessary in the interests of India, we should make a trade treaty: there is nothing wrong in making a trade treaty with England if the trade treaty is equitable to both parties. Similarly, I am prepared to make economic concessions, trade concessions to Great Britain, if Great Britain will give us freedom. There is nothing wrong in buying our political freedom. But is Great Britain prepared to give us our freedom? They offer us a Constitution which we do not want. I, therefore, feel, that we shall not be justified in agreeing to this Treaty. This Treaty is economically inequitable and politically unwise, and I feel that it will create economic bondage for this country for all time. It was said by my Honourable friend, Mr. James, that the Treaty may be denounced, but is it possible for this Government which is a subordinate branch of the British Government, to denounce a treaty made with Great Britain? Sir, I support the amendment.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban): Mr. President, I think it may be truthfully said that the trade relations between India and England have for some years been permeated with suspicion; and when we come to reflect upon the history of our trade relations, we are not surprised at this suspicion. My friend, Mr. Jinnah, gave one instance of a glaring injustice to our biggest industry by way of an excise duty and he graphically illustrated his point by giving you a few facts of

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how that excise duty was levied against the wishes and convictions of the Secretary of State of that time—I believe it was Mr. Fowler—who was forced to impose that injustice upon this country by the pistol being held at his head by the powerful Lancashire interests in the House of Commons. It would be closing our eyes to the obvious if we did not recognise the great influence that commercial and industrial interests in England have on their Government. We would be closing our eyes to a real danger if we did not give full weight to that great influence on whatever Government may be in power—Labour, Conservative or Liberal. I have no doubt that that influence is no less today than it was years ago. On the other hand, I frankly admit that some of our friends by the language that they have used in this country in connection with the trade and industrial interests of England have caused suspicion in the minds of Englishmen as a whole. Therefore, there is suspicion on both sides, a suspicion on our side from many years of experience, a suspicion in the minds of Englishmen caused within the last few years by perhaps indiscreet criticism

Mr. M. S. Aney: Question.

Sir Cowasji Jehangir: indiscreet criticism made by our friends in India. Now, Sir, I have not used exaggerated language. It is being admitted in England that the best way to retain friendly relations with India is not to rely upon that influence and that power which industrialists have in England over their Government, but to rely more and more upon friendly relations with India herself and to win the goodwill of our people, for it has been said by a statesman even in the House of Commons that though you can force a horse to go to the water, you cannot compel it to drink, and it is pleasing to find that Englishmen in England, and industrialists in particular, are beginning to realise this all important factor. We on our side must give due weight to that change of attitude, to that change of mentality, and get from them whatever we can to serve our own interests, to serve the interests of all our people, including the interests of my friend Mr. Joshi. Now, Sir, if we are to have a changed mentality in this country, we have to look to facts as they are, we have to realise our handicaps and our defects, we have to realise that our friends sitting opposite are Members of a subordinate Government, we have to realise the fact,—and I have said so within the last three years I do not know how often, that my friends opposite, however good their intentions may be, are really in law the agents of the Secretary of State for India

An Honourable Member: Everybody knows it.

Sir Cowasji Jehangir: I am one of those who do not believe in breaking one's head against a stone wall; I am one of those who believe that we shall serve the interests of our country much better and much more effectively by other methods than by breaking our heads against a stone wall

Mr. H. P. Mody: Why do you prevent them from breaking their heads?

Sir Cowasji Jehangir: My friend, Mr. Mody, asks me why do I prevent them from breaking their heads? Mr. President, they are my countrymen, and if I see that even through honest and conscientious convictions there is a chance of their breaking their heads

Some Honourable Members: No, no.

Sir Cowasji Jehangir: If I see that there is even a remote chance of their breaking their heads, why, Mr. President, I shall be the first to try and save them. There may be a selfish motive, for I know that if they break their own heads, they break mine with theirs. (Laughter.) That is my reason, Mr. President, for attempting on this occasion to point out, if I may do so with due respect, that there are more ways than one in which we can serve our country.

Now, Mr. President, I think we have got principally to judge this precious document that has been placed before us from one 3 P.M. standard. Does it represent faithfully the Government's policy as formulated within the last few years, or does it in any clause make further concessions which we were not prepared to agree to during our previous discussions? I would not mix up the policy of Government as it stands today with the policy of Government as we should wish it to be in the future. If we concentrate the whole time on the policy of Government as we wish it to be in the near future, we shall not be able to discuss this document dispassionately. And, before I go further, Mr. President, I would like to go into one or two details of this document. Article 1 is fairly clear. In the first few lines, there is an acknowledgment on the part of His Majesty's Government that India is free to adopt any fiscal policy which will be to her advantage regardless of the interests of all other countries including the United Kingdom. I pointed out on a former occasion that that admission was a valuable one, considering the past history of our trade relations. It means that His Majesty's Government will refuse to be influenced by powerful interests in England who may suggest acts of injustice to this country. Then it goes on further to say that in case levying a lesser duty on goods from England is to the advantage of this country or even if it does no harm, we must undertake to do so. Sir, I will not take up the time of the House by going through each of these articles, but I will come straightaway to what now has become the most important one after the discussion that has taken place today, namely, Article 3 (2). I am not so certain of the interpretation of this Article. Does not this Article tend to restrict the definition of the words "fair selling prices"? Does it restrict the power of the Government of India to protect a particular industry in India so as to enable it to develop and expand? Does it make it incumbent upon the Tariff Board, to so fix selling prices as to enable an industry merely to exist and not to expand and develop? These are the three questions which I will ask the Honourable the Commerce Member to answer. What we understand by discriminating protection is a protection that will not only keep an industry in existence or allow it just to keep its head above water, but that that protection, when applied to certain infant industries, will allow them to develop and expand in order to supply our own requirements and keep out imports from whatever country those imports happen to come. That is the point. Now, Sir, I admit that the way in which this article is drafted is to a layman rather perplexing, and I want an authentic definition of this article from my Honourable friend, the Commerce Member, so that it shall be on record

Mr. N. M. Joshi: It will not bind the British Government.

Mr. M. A. Jinnah: We want to know for the purpose of voting.

An Honourable Member: That is a blind wall.

Sir Cowasji Jehangir: My Honourable friend, Mr. Jinnah, has pointed out to you very clearly his apprehensions and there may be some grounds for these apprehensions. Perhaps my Honourable friend, the Commerce Member, will clear the point definitely, and unequivocally, so that no other interpretation can be placed upon these clauses in the future by the other high contracting party. We do not wish to change our policy. We shall insist upon the Government in the future protecting infant industries, so that they shall develop and expand, which will enable us to decrease the imports worth crores of rupees into this country. If there is the slightest suspicion that by this article such an expansion, such a development of our industries or any one industry can be prevented through instructions to the Tariff Board or by an adverse interpretation placed upon this Article by a future Government, this document does not give a faithful picture of the Government of India's policy as it stands today.

An Honourable Member: What is your reading?

Sir Cowasji Jehangir: Many articles in many treaties can be read in different ways (Laughter), and the authentic interpretation of this Article should come from the lips of the Honourable the Commerce Member, and I can say faithfully that when a Commerce Member or any Member of the Government of India has made a statement on the floor of this House and recorded in our blue books, I do not know of any single instance, except one, where the Government of India, or shall I say, the agents of His Majesty's Government have not kept their word.

An Honourable Member: Are our proceedings binding?

Sir Cowasji Jehangir: The proceedings are binding. I will not go into the question of that one famous exception.

An Honourable Member: What is that?

Sir Cowasji Jehangir: Then, we come to Article 3, clause 3, which, I think, is fairly clear, and I will not worry the House about it. A definition has already been given which seems to me personally perfectly satisfactory. Now, coming to Article 4, there is something new. It is an undertaking, as has been already explained, given to the industrialists in England that they will be heard by our Tariff Board whether the Government of India like it or not. In practice they have been heard. The last time the Tariff Board made an investigation of the steel industry, the industrialists in England not only were heard, but they put up for consideration and examination very lengthy documents. Well, Mr. President, in protecting our industries I feel confident that we have nothing to hide, that if we have an honest Tariff Board and a Commerce Member worth his salt, I have no objection to the case of any industry in any part of the world being examined to see that our case is sound; for that is the best protection for the consumer. Whether it is quite advisable to put it into a document of this kind is another matter, but considering that the effect of it cannot be harmful, but may be for good, I pass over that change, that definite change in the policy of the Government of India made in this document.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time.

Sir Cowasji Jehangir: Now, what is the reason why this document has been signed, sealed and delivered by the Government of India? You say that it is merely putting down on paper what is already crystallised, what already is your policy. Why do you do it? It is done, I believe, to reassure those industrialists in England who feel that the Government of India may go back suddenly, without notice, upon the policy they have adopted up to now. This merely gives them an assurance that at least for six months the Government of India cannot go back upon that policy, that six months must elapse before this policy is changed. That is the assurance, I take it, that this document contains to the industrialists in England. What do we get back in return? We get back an assurance, an undertaking from the British Government that they will make every effort to encourage a greater consumption of our cotton. Mr. President, the undertaking is in the last five lines of Article 5. In the first few lines, there are mere truisms—not worth the paper on which they are written. They merely say what they have been doing up to now. They also merely state what they cannot help doing, but in the last five lines, they give an undertaking and these are the words: and they undertake to continue to use all possible efforts in co-operation with commercial interests to stimulate the consumption of Indian cotton in all possible ways. Coming from a Government that they undertake to do all they can, means a great deal.

Mr. M. A. Jinnah: The undertaking is very elastic.

Sir Cowasji Jehangir: No, it is not. If you think so, I beg to disagree. A responsible Government gives an undertaking that it will make every effort and it goes on specifically to explain how that effort will be implemented. For it says: including technical research, commercial investigation, market liaison and industrial propaganda. I think that is worth something. As to cotton, my friend, Mr. Mody, just informs me that the consumption of Indian cotton in England was 160,000 bales before the understanding with Lancashire. It is now 342,000 bales.

An Honourable Member: What is the total export of India?

Sir Cowasji Jehangir: The undertaking given by Japan is 15 lakhs. Therefore, it is 3½ lakhs as against 15 lakhs of bales, but the important point to bear in mind is that your price of cotton is governed by your surplus and if you can find a new customer for the last 100 or 200 thousand bales of your cotton, you raise the price of your whole crop of cotton during the year. That is a well known fact. Therefore, any increase in our cotton consumption by outside countries even by 100 or 200 thousand is of the greatest use and service to our agriculturists, because it increases the value of their whole crop. It is the surplus during the year that governs the prices of the whole crop and therefore an increase of 160,000 to 352 thousand is a substantial increase and with this undertaking given by the Government of the United Kingdom I trust that those figures will go up. I frankly admit that I put very little value on the other assurances and undertakings given, but, Mr.

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President, I attach the greatest importance upon eliminating that devastating factor of suspicion both in England and in India, for, through this lies our salvation, and, however much my Honourable friends may disagree with me, I feel confident that just as due to a change of their policy we have the pleasure of seeing them here and working with them, I trust, most cordially in the future, we shall also have the satisfaction of seeing a greater and just as honest a change in their opinions. Their co-operation must finally result in considerable benefit to our country. That has been our belief all along. That has been our conviction all along. That is what we have been pleading for, praying for, and, in their presence here, Mr. President, I see a ray of light, a little bit of light coming from a black cloud, and I trust that their presence here will go more and more to disperse that black cloud, and with their assistance, their strong and powerful support, we shall attain, within a reasonable time, the goal of our ambition, self-government for India.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I consider it a privilege to take part in the discussion of this all-important question—at all events, the first most important question which has come before this House. I almost wished, when the Honourable the Mover in charge of the motion was speaking, that I had on my side of the House the advantage of that facile and subtle mind to advocate a juster cause. The fact, however, remains that we have to struggle against some of the sophistries arising out of the brightness of that intellect. I do not wish to refer at any length to patronising speeches, more or less made after a study in a school of rhetoric, attempting to tell us what our business is. I hope and trust that we understand what we are about and shall carry it out to the best of our ability. There are only two questions which arise for the consideration of this House in discussing this document which has been called the Indo-British Agreement. For my own part, I propose to call it the document in question, for I hope I shall give reasons enough to satisfy the Honourable the Leader of the House and his neighbour, the Honourable the Mover, that in no sense of the term could this document be ever called an agreement either in the sense of law or in the view of common sense. The questions are first what are the essential features of this document, what is the necessity for it and why it was carried out in the manner in which it was carried out without the smallest consultation with the commercial interests of this country and also on the eve of the inauguration of the new Session of the Assembly. I wish to assure the House, I have not, at all events, that suspicious mind which one of the speakers referred to. The very fact that a man smells and speaks too often of suspicion, leads me to suspect that it is his mind which is all the time brooding on that disease. So far as I am concerned, I am prepared to take every circumstance into account and come to a reasonable conclusion which the facts warrant. But I have a shrewd suspicion—using that word in the very ordinary sense of the English language of shrewd belief—why the agreement was signed on the 9th January was that it was well known to the agents of the British Government out in India to wit the Government of India (I am merely borrowing an expression used by others and almost acquiesced by those on the other side of the House) that they had realised that if commercial,

industrial and other interests concerned in this matter had been consulted and had been respected, this Agreement would have had to be abandoned. I have also a shrewd suspicion that it was realised that the days of unrepresentative, somewhat docile, Assembly, pretending to contend but always conceding, had passed. (Hear, hear.) It was those two reasons which explain beyond all argument, reasonably and clearly, as to why this Agreement was signed on the 9th January without consulting the trade interests and without waiting for the assembling of this House. When agreements are entered into concerning trade, concerning even labour, and also the consumer, I have yet to be told that any Government worth the name, be it the agent or principals, that they would not, before entering upon any such course, consult the interests concerned. Were not the British interests concerned all the time in touch with the Right Honourable Mr. Walter Runciman before this Agreement was arrived at? Sir, it is not a mere act of courtesy. It is a recognition that the monopoly of guarding the interests of India, of understanding the repercussions of trade agreements cannot possibly lie within a few heads on the other side. After all, the effects, the resultant consequences of the Agreement have got to be borne by the country, be it trade or be it the consumer, and, with all solicitude for them, I trust that it is more than a formality that is required that they should always be consulted: and if there were no other reasons, I venture to say that an agreement so arrived at must excite the reasonable suspicion of any thinking man.

Coming to the question whether this document can be called an agreement or not, I shall ask myself what I might have asked you, Sir, had you been in the place that you occupied before you took to public life. There are at least two main factors of every agreement if it is to have any value. Has this document in it the element of reciprocal consideration, and has this document been arrived at by persons, as to one of the two high contracting parties of its own perfectly free will? I thought those were two elementary things entering into the examination of every agreement and the Honourable the Leader of the House will, I am quite certain, have the sympathy of everyone of us with him when I ask him whether, examined in that light, it can fairly be called an agreement. Sir, there is neither "consideration" nor that free will that is required for the purpose of it being called an agreement—if that term is not to be abused. I say that the failure to consult the interests concerned, the failure to examine this in the light of what the country would have desired, is to be deplored, and especially so considering the fact that nobody from the Indian side ever initiated, nobody ever requested, nobody ever approached the Government of India to undertake this somewhat thankless and, as I understand it, a necessary evil task. We are told by the Honourable the Mover to exclude politics out of it altogether. But did he not himself give away the show, when he himself, at the end of his opening speech, said that there are three considerations that moved from the side of the British Government, viz., clauses 5 and 6, and, furthermore, the third, namely, that "if you set your seal of approval to this Agreement, you will have rendered the safeguards nugatory"? Sir, I never thought that the safeguards were anything but one of the main political elements in the Constitution yet to come. If, therefore, among the considerations that he himself pointed out were the advantage of a political nature, then, let me assure him that so far as those, whom I represent are concerned, do not put that value on the non-use of those

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safeguards so as to make it a matter of bargain. Taking, therefore, the Agreement as it stands, let me turn to the terms of the Agreement itself, for, after all is said and done, who is there more competent to judge of what we have gained or what we have lost? Have we not passed the stage of tutelage when somebody else could speak for the industrialists and the commercial interests of India but ourselves? Sir, I regret very much that it was with a certain degree of arrogance that my Honourable friend, Mr. Mody, spoke in this connection, but I say he did not realise, as he ought to have realised, that there were telegrams pouring in from every single industrial concern, including the one from the Federation of Indian Chambers of Commerce—and if he thought, as he seemed to, that those were all contemptible documents, (Mr. H. P. Mody: “I did not say that”)—if he thinks they are contemptible messages emanating from contemptible Chambers, than Mr. Mody would have to reserve his judgment for his own consumption. (Hear, hear.) What! the country is concerned with is the judgment of persons who really have a stake in the industries (Hear, hear), and what is still more important is that the consideration of the rights of the consumer are trotted out whenever every other argument fails, but, I ask, who else is the consumer but ourselves and those who have returned us to the House. (Loud Applause.) But please do not trouble if we believe that, in the common and larger interests of India, our industries shall grow by means of protection, our people are quite prepared to pay the price in so far as that is concerned. (Hear, hear.) Both the producer and consumer are behind us in the denunciation I have given of this Agreement,—the first and the foremost, the trade and commercial and industrial interests, and, secondly, the consumer, who is fully aware that for any advancement of that kind, in order to contend against the continuous exploitation by other countries, it is necessary to bear the smaller evil. Sir, the consumer is never consulted when it suits the interests of the Government, but he is always the hobby horse trotted out whenever it suits the Government and whenever any other argument of theirs fails.

With these observations, let me turn to the text of the Agreement itself, and in this, departing from the practice, which many more experienced men than myself have followed of asking questions for a solution by the Honourable the Mover, I propose, so far as in me lies, to read in the language of the instrument to find just what it means: for, this House, I am sure, has a very painful recollection, at all events, the country has a very painful recollection, of relying upon statements made as to the meaning of general words used either in motions, Resolutions, or in Acts of this House. I know that very often in order to assuage the House or in order to catch a doubting vote here and there, the generality of language used is sought to be mitigated by very soft expressions, but when they come to be construed, whenever they come to be applied either in business or in a Court of law, we are told that those are irrelevant matters. What we are told is to look at the terms of the instrument and to see what it means and not anything else. I, therefore, do not propose to ask any questions or to ask for any explanation. What I propose to do is to put to the House the reasonable meaning, as we apprehend the Agreement bears, and, it is on that meaning alone, that I ask the House to pronounce an opinion, for who daresay that so long as it is possible

to put the construction that I put before you can be put upon that instrument that any expressions of opinion by those who now represent the other side of the House can be of any value when the question of its application or full significance arises? It is for that reason that I wish to take the text of the Agreement as briefly as I can. In describing the Agreement, I am reminded of a well-known passage from the Bible:

“He who hath shall be given, but from him who hath not the little that he hath shall be taken away.”

That is the best description that I can give of this wonderful document before you, for the gist of the document is this. The first two clauses, in so far as they are not obnoxious, merely reiterate what does not require an admission from anybody. Who has ever disputed that every country is entitled to protect her industries: call it discriminating protection or anything else. Now, do you require an agreement for the purpose of ascertaining that you have what you have and that is all that is said in the first clause of the Document. And here I must advert to the word of which a great deal is made during the course of this debate, namely, discriminating protection. I take it that, apart from any technical definitions, the word “discriminating” can only mean prudent. The word “discriminating” has not within it that peculiar sense which is sought to be read into it, discriminating between A and B, or C and D. Discriminating protection merely means reconciling the interests of the industry and the growth of the industry in the larger interest of the country with those of the consumers. The word “discriminating” involves a judgment which the country in her own interests has to bring to bear upon any measure of protection that is brought before her. She has and should have no relation whatever to any outsider, whether British or non-British. Discriminating protection is a matter that has no logical or economical relation with any preference of any outsider so far as the trade in this country is concerned. The two things are entirely apart and yet the greatest vice of the instrument before you is that the two are sought to be allied with each other in such a way that you cannot have one without submitting to the other. With this introduction, I ask you to consider Article 1. It runs thus:

“It is recognised by His Majesty’s Government in the United Kingdom and the Government of India that while protection to an Indian industry against imports of whatever origin may be necessary in the interests of the economic well-being of India, the conditions within industries in India, in the United Kingdom and in foreign countries may be such that an Indian industry requires a higher level of protection against foreign goods than against imports of United Kingdom origin.”

✓ I pause here first to point out that, in so far as it recognises our right to have a protection for the growth of our industries, it requires no agreement, it requires no concession and is no compensation. And in so far as it states that the industry may require a higher level of protection against foreign goods than against imports of the United Kingdom, it leaves a most important hiatus in the converse which is not to be found anywhere, for it may easily be that a higher level of protection may be required against British goods than against non-British goods. It is implicit in the very first clause of the Agreement itself, cleverly worded though it is, that you may have a higher level of protection so far as non-British goods are

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concerned, but you may not have that in the converse. This interpretation is reasonable, and I do not want any assurance or any statement to misguide us whenever we judge this issue. Taking Article 2, it is recognition of a right of a politically subordinate country to levy import duties for her revenue purposes. This cannot be denied and requires no admission. This clause is a mere padding. So you repeat many admitted things and while repeating these things add to it a few things which may easily escape attention if it is not carefully scrutinised. The first clause, therefore, gives us nothing and, in its latter part, enunciates or involves a vicious principle, as the converse of the proposition there stated is not to be found in any other part of the document. The second Article merely gives us what we are entitled to possess. This requires, therefore, no agreement. The language of the first two Articles shows no consideration and taking even the speech of the Honourable the Mover, it is only clauses 5 and 6 in which are to be found some reciprocal term of value to India proceeding from the United Kingdom Government. In the third Article I wish to emphasise sub-clauses 2 and 3 touching only one or two matters of construction in those sub-clauses. Clause 2 reads:

"The Government of India further undertake that the measure of protection to be afforded shall be only so much as, and no more than, will equate prices of imported goods to fair selling prices for similar goods produced in India, and that, wherever possible having regard to the provisions of this Article, lower rates of duty will be imposed on goods of United Kingdom origin."

I am indebted to my Honourable friend who leads me at the Bar for emphasising the purport of sub-clause 2 of Article 3. The first most important part of it is that we are not merely told what the practice is or the general practice may be, but we are to be bound down by an agreement as to the manner in which we shall carry out in our own interests the policy of protection. There is a limit placed on the considerations which may be imported into it with a further condition tacked on to it at the end "and, having regard, wherever possible, to the provisions in this Article, lower rates of duty will be imposed on goods of United Kingdom origin". And yet we are told that there is nothing in this Agreement which can be the origin or an almost direct provision for British Preference. I wish to point that no agreement should be allowed to be entered into which will fetter the judgment and the discretion either of the Tariff Board or of the Government as to the grounds or the principles on which we wish to carry on the tariff policy for protection purposes. But the object here is obvious, namely, no consideration shall enter into it except the equation of the selling prices. Therefore there is something substantial that is granted to the United Kingdom on the part of the Indian Government. Now, I come to sub-clause 3 which runs thus:

"The differential margins of duty established in accordance with the principles laid down in the preceding clauses of this Article as between United Kingdom goods on the one hand and foreign goods on the other, shall not be altered to the detriment of United Kingdom goods."

Two or three posers were put by my friend, the Honourable Sir Ghulam Hussain Hidayatallah, and, I am aware, that as to the two of these there was a loud and emphatic answer by the Honourable the Mover. But those do not exhaust the possibilities when questions arise from time to time

for the application of a clause of this kind. And, may I here point out, trite though it may be, that when the Criminal Law Amendment Act was passed, words were used by which power was conferred upon the Government that any association may be declared illegal so long as they are satisfied that there is some purpose or a likelihood of a breach of peace behind it. Loud assurances were given at the time by those who represented the Government that those general words would be limited to violence against which the legislation was aimed, and time came, during the last three years, when those words were taken advantage of by the executive for the purpose of declaring as illegal, playing fields, gymnasiums and even praying associations. (Shame.) I, therefore, say, take caution against not merely being led by the fact that one or two illustrations might admit of an easy answer, but that the general words are of such a nature that they can always be canvassed for a sinister purpose, and who dare say that the meaning put upon it would not be that we shall not disturb the quantum or proportion once they are fixed on the first occasion. Therefore, it is not the assurance of the individual that matters. It is the document which is liable to have one or two dangerous potential constructions. If there is no occasion, if there is no need and if there is no advantage, why should we approve such a document and put our head into the noose which is prepared for us.

As regards Article 4, the portion that has been to a large extent canvassed and the most important of it is this. It is not so much the right of hearing (of which my Honourable friend, Sir Cowasji Jehangir, spoke) of which I am afraid, but it is the right of constant interference almost of initiating every time that special conditions have arisen and thereby seeking to disturb the period or extent of protective duties in reference to certain protected industries if the duties happen to be inconvenient to Great Britain. Such questions will be frequently brought up. But what is still more dangerous is the introduction of uncertainty in the value of protection by the rights created in this clause. Let me put this to every Honourable Member of this House—what is the value of a protection granted for a period of time and limited in the quantum, if at every moment of time there is a risk and a danger of the matter being reopened? In other words, you almost destroy the value of the protection that you purport to give by creating a feeling of uncertainty. (Hear, hear.) (Applause.) Therefore, care must be taken not to be misled in this matter that a right of hearing is one thing, but the right of interference and the right of raising the question of over-protection is unnecessary protection by contending that radical changes have taken place in the conditions affecting protected industries. Who dare say in what manner such a right could be invoked? It is competent to British industrial interests to come up and say that radical changes have arisen in the steel industry, that radical changes have arisen in the textile industry and that radical changes have arisen in the sugar industry, and, therefore, we want an enquiry whether protection should continue, and if so, to what extent in time and tariff. I appeal to the Honourable the Mover himself, understanding as he does business as well as politics, that the important thing in matters of this kind is the certainty more than the quantum and let nothing be done by agreement or otherwise which disturbs that sense of security for the period of time so that that industry shall be originated, be fostered and grown, and, at the end of that period, be able to stand on its own feet.

[Mr. Bhulabhai J. Desai.]

Now, coming to Article 5, notwithstanding the assurance of my Honourable friend, Sir Cowasji Jehangir, I wish to point out to my understanding what I shall endeavour to do is one thing and what I shall bind myself to do is another. May I put it again to the Honourable the Leader of the House, if he has ever read any agreement in which he would certify that when a man says I will endeavour to do a thing, it should be regarded as a consideration. I am quite certain he would want either a guarantee or a promise, that I shall do this or refrain from doing that. The rest is undoubtedly a pious hope which cannot be accepted either as a compensation or a consideration in the eye of law or common-sense. (Hear, hear.) After all, it is competent to every man to say, I have endeavoured to get you advantage, but if you do not get it, I am sorry. That is the business sense translation of Article 5.

Article 6 secures nothing new to India—I am emphasising Articles 5 and 6—because those are the only two Articles on which the Government, on their own showing, rely for proving some sort of compensation for entering into the Agreement. I am trying to closely scrutinise the Agreement, so that all extraneous considerations might disappear, and on the very Agreement itself it may be patent even to those who want reluctantly to support it that they are not doing the right thing.

Article 6: what does it say? It says:

“His Majesty's Government in the United Kingdom undertake that, in accordance with the principles of the foregoing Article, the privilege of duty-free entry of Indian pig iron into the United Kingdom will be continued so long as the duties applicable to articles of iron and steel imported into India are not less favourable to the United Kingdom than those provided for in the Iron and Steel Protection Act, 1934, without prejudice however to the provisions of sub-sections 3 (4) and 3 (5) of the Indian Tariff Act, 1894, as amended by section 2 of the Iron and Steel Duties Act, 1934.”

That, at all events, guarantees to India nothing more than what was already the subject of a prior agreement.

Now, Sir, taking the six Articles of the Agreement, what do they resolve themselves into? Article 1 gives nothing, but attempts to take a great deal. Article 2 gives nothing whatever. Article 3 takes everything that they can take. Articles 3 and 4 are a deliberate inroad on the unfettered right and privilege of any country however subordinate politically it may be. Articles 5 and 6 confer nothing on India. If this is what is called an agreement, it certainly will not pass muster in a Court of law, it certainly will not pass muster in any common-sense market, and, I am sure, this is recognized even by the Honourable Members of the European Group, but unfortunately, on account of their amphibious character, they cannot help taking the stand which they have taken. Their one eye is turned towards their interests in India, but their other eye is turned to their kith and kin in the United Kingdom, and I am not surprised at the difficulty in which Mr. James and his colleagues found themselves in supporting this Agreement.

If this agreement was merely required for the purpose stated by the Honourable the Mover, that it embodies nothing more than what exists, then, I submit, that it is superfluous, and please scrap it, but if it is not superfluous, then undoubtedly it has got to be examined as to whether or not there is a gain and whether there is loss, and, if so, what and on what side. I am afraid, the Honourable the Mover protested too much when he said that there was nothing in this Agreement except clarifying,

crystallising and defining what existed. If that is so, let him withdraw this, what he calls an agreement. I have never yet heard an agreement was required merely for the purpose of clarifying. An agreement is for the purpose of give and take on both sides.

The fact is this, and to put it very shortly before the House, we are called upon to legalise and to regularise acts of high-handedness and one-sidedness on the part of those who wield executive and political power to the detriment of ourselves (Shame) and by this document we clearly gain nothing, but we lose a great deal. On the grounds I have put forward before you, and without reference even to the supposed political advantage, to which I attach no importance, or even taking that into account, I ask you to judge the Agreement as an agreement, as businessmen with common sense, as men of the world and as guardians of the interest of those who have returned you to this House and say in no uncertain voice that the Agreement shall not have your approval. (Loud and Prolonged Applause.)

The Honourable Sir Joseph Bore: Sir, some of my critics remind me very vividly of one of Low's cartoons. Outside a book-shop, a literary gentleman, who shall be nameless, is holding out a volume entitled “The White Paper” to certain gentlemen standing in the distance who belong to the die-hard persuasion and entreating them to read it, read it. The reply of the fraternity of the die-hard persuasion is, “Dash it, Sir, we do not read books; we review them”. I feel, Sir, that I am in a somewhat similar position to that of the literary gentleman. Judging from some of the criticisms that have been advanced, to my appeal to read this Agreement, the reply might very well be made, “It is not our business to read the Agreement, our business is to criticise it”. Sir, I have never heard more mis-statements, unintentional of course, compressed into a single day's debate than I heard yesterday. I will give the House just one single example.

My Honourable friend, Sardar Mangal Singh, in attempting to belittle the value of duty-free entry for our pig into the United Kingdom, quoted figures to show that that concession had merely resulted in our imports into the United Kingdom growing smaller and smaller. Well, Sir, I do not know where my Honourable friend got his figures from. The facts of the case are, of course, entirely the opposite of what he stated. In the year 1931, we sent to the United Kingdom, 46,000 tons of pig, whereas other foreign countries sent no less than 236,000 tons. In 1934, up till November, we sent 100,000 tons of pig as against 13,000 from foreign countries. Critics of the Agreement must be very hard-pressed indeed if they have to rely on such mis-statements to establish their case.

Sir, I think I cannot do better than follow the example of the Leader of the Opposition, on whose very able speech I must congratulate him. In the hope that I may be able to do something to dispel the cloud of misinterpretation and misunderstanding which has gathered round this Agreement. I shall endeavour, in spite of what the Honourable the Leader of the Opposition has said, to give the interpretation which we attach to the various Articles of this Agreement, and I cannot believe that the House will endorse the suggestion that our interpretation of the terms is totally irrelevant.

[Sir Joseph Bhore.]

Now, Sir, let me take the preamble. It provides that the currency of the Agreement shall be coterminous with the Ottawa Agreement. The Ottawa Agreement, as Honourable Members know, by the decision of this House itself, will normally continue for a period of three years from the time when it was accepted by this House; in other words, it will extend until the end of the year. Thereafter, it will come up for re-examination by this House, and if the House decides that its continuance is not in the interests of this country, it may be terminated by six months' notice. If the House comes to that conclusion, after a dispassionate and judicial assessment of its results, then this Agreement goes with it. I do not think that anybody can take exception to the preamble. I come next to Article 1. It may be perfectly true that Article 1 gives us nothing special but it is a valuable declaration acquiesced in by His Majesty's Government.

Mr. S. Satyamurti: Why should they acquiesce in that?

The Honourable Sir Joseph Bhore: You may say that it is not, but I hold that it is of great value and of great importance to this country. We may agree to differ on that point. Now, Sir, this Article contains nothing but a pure statement of fact, a statement of fact which is unchallengeable and which is not open to argument. I ask, for instance, whether there is a single cotton textile industrialist in this country who would or could possibly deny that the measure of protection required against British cotton textiles would be entirely useless and insufficient against Japanese competition.

Mr. S. Satyamurti: What about other industries?

The Honourable Sir Joseph Bhore: May I ask my Honourable friends not to continue a running comment? I have a rather difficult task to discharge, and as my Honourable friend, the Leader of the Opposition, was allowed to continue without interruption, I trust that the opposite Benches will extend the same courtesy to me.

Sir, there can, I take it, be equally no objection to Article 2 which is merely a recognition by His Majesty's Government. You may attach importance to it or not just as you like, but it is nevertheless a recognition that we have the right to levy revenue import duties in accordance with the revenue needs of this country.

Now, Sir, I come to Article 3. Under Article 3(1), we undertake that protection will only be given to an industry after a regular Tariff Board inquiry and after the Government of India are satisfied that it has established a claim in accordance with the principles laid down in the Resolution passed by this House in 1923. I have never heard it suggested either inside or outside this House that we should abandon our policy of discriminating protection for one of indiscriminate protection or that we should give protection before a regular inquiry has been made by a Tariff Board. Article 3(1), I contend, merely states an accepted and approved policy. But it has been objected in the course of the debate, "If I want to radically alter my policy, why should I be prevented from doing so?" I contend, Sir, that that is hypothetical and a most unlikely contingency, seeing how strong are the reasons and how long the experience in favour

of our existing policy. But, Sir, if Government and the Legislature decided to make a radical alteration in their policy and if it were decided to abandon the policy of discriminating protection and throw overboard the interests of the consumer, then, Sir, as far as I can see, there is nothing to prevent their doing so. If they did so, what would be necessary would be by mutual agreement, in the first place to get the terms of this Agreement revised, and, failing that, in the final resort I have already shown how this Agreement could be terminated.

I come next to Article 3(2). Article 3(2) is again merely a statement of the procedure we have always adopted in our endeavour to fix a suitable scale of protective duties having regard both to the interests of the industry and of the consumer. It is a procedure that has been accepted over and over again by the Legislature. The promise to impose lesser duties on British goods—mark the reservation—wherever possible having regard to the provisions of this Article—again breaks no new ground, nor does it involve us in any new declaration of policy: it merely states the procedure which has been accepted in the past, and which has been acted upon on more than one occasion. Let me explain what it actually does mean. It simply means this, that if the prices of British goods are higher than the prices of similar foreign goods, then the protective duties on the former will be lower naturally than the protective duties on the latter. If they are not higher, then the duties will not be lower. In fact, it is merely an affirmation of the practice of differential duties. (Interruption.) Please do not interrupt. No useful purpose will, I think, be served by my going at any length into the question of differential duties, which has been argued in this House threadbare on several occasions. I venture to hope that it is no longer a forlorn hope to get people to realise that differential duties are not the same as preferential duties. The two are as the poles asunder. In this particular Agreement we have absolutely nothing to do with preference or preferential duties. If differential duties are imposed in pursuance of our policy in fixing protective duties on the basis of the difference between the fair selling price of the Indian article and the duty-free price of the British article on the one hand and the foreign article on the other hand, those duties are imposed solely and entirely in the interests of the consumer and of no one else. Let me give to the House just one instance, and let me give them the actual figures in that case; and when Honourable Members have read, marked, learned and inwardly digested those figures, I hope that the confused allegations of preference, which have been in evidence so much in the past, will no longer be possible. I will take the case of galvanised sheet—one of the cases which we discussed in this Assembly during the last Session. The Tariff Board found that the fair selling price of Indian galvanised sheet was Rs. 170 a ton: the duty-free price of British sheet was Rs. 160 and the duty-free price of foreign sheet was Rs. 130. It was, therefore, quite clear that the protection needed by the Indian industry against British imports was Rs. 10 a ton and against foreign sheet of Rs. 40 a ton and this Legislature accepted the principle of differential rates. I will not refer to the fact that in this particular case an over-riding revenue duty was imposed on British sheet. If this Legislature had not accepted differential duties, what would have happened? There were two alternatives: in the first place, the duty which was needed against British sheet might have been extended to foreign sheet, namely, Rs. 10 a ton. What would have been the result? The

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result would have been that foreign sheet would have been able to undersell Indian sheet by no less than Rs. 30 a ton, and the whole scheme of protection would at once have been destroyed so far as this particular commodity was concerned. The other alternative was that the duty required against foreign sheet might have been imposed on British sheet: that is to say, a duty of Rs. 40 might have been imposed on British sheet. Now, what would have happened if that had been done? The result would have been disastrous to the consumer, who, in most cases, I believe, is the poor agriculturist in Bengal and I think also in Assam; and how would it have been disastrous? It would have been disastrous in this way: we have got to bear in mind that the normal consumption of galvanised sheet in this country is about 250,000 tons. The utmost limit of Indian production is 100,000 tons. At the present moment, I do not think Tatas are producing more than 45,000 to 50,000 tons. It, therefore, follows that at least 150,000 tons must be imported from abroad. Now, if Rs. 40 a ton had been imposed on British sheet in order to secure the same rate of duty on all imported sheet, the price of British sheet would have gone up to Rs. 200 a ton, which means that both Indian sheet and foreign sheet would have been able to charge a price just below Rs. 200—say, for instance, Rs. 199—instead of Rs. 170, which was the fair selling price found by the Board: in other words, it would have placed an extra burden of something like Rs. 70 lakhs on the poor agriculturist. That is the justification for differential duties, and I understand that my Honourable friend, Mr. Jinnah, accepted the necessity in certain cases for differential duties in the interests of the consumer

Mr. M. A. Jinnah: In such cases as we consider necessary, yes; and we will find it ourselves.

The Honourable Sir Joseph Bhore: That is what I said. Now, I come
4 P.M. to Article 3 (3), and here again I am up against what the Leader of the Opposition refused to accept, namely, my own interpretation of this particular article. I can give the House the assurance that that interpretation is the interpretation

Sir Cowasji Jehangir: May I point out to the Honourable Member that he has passed over my question on Article 3 (2)?

The Honourable Sir Joseph Bhore: Will the Honourable Member repeat his question?

Mr. S. Satyamurti: On a point of order, Sir. Is it open to my Honourable friend to interrupt him on a point of order or personal explanation in order to have a discussion again and ask him to explain matters? Is it not against parliamentary procedure?

Mr. President (The Honourable Sir Abdur Rahim): It is left to the Honourable Member whether to answer that question or not.

The Honourable Sir Joseph Bhore: I am very grateful to my Honourable friend, Sir Cowasji Jehangir, for bringing that point to notice. I think he referred to the fair selling price, and I am all the more grateful

to him, because it was a point upon which my friend, Mr. Jinnah, laid very special emphasis. Now, Mr. Jinnah was much concerned by our being tied down to a fair selling price. First, let us remember that a "fair selling price" must be fair to the industry and fair to the consumer. That is the only test of fairness. In my view, fair selling price connotes the price necessary and sufficient to establish an industry on a firm and substantial foundation within the intention of the Resolution of 1923. That, I think, is wide enough to clear all my friend's, Sir Cowasji Jehangir's doubts in the matter.

Now, Sir, I go on to Article 3 (3). . . .

Prof. N. G. Ranga: Mr. President, I should like to know. . . .

Mr. President (The Honourable Sir Abdur Rahim): Is it a point of order?

Prof. N. G. Ranga: I would like to have some explanation. . . .

The Honourable Sir Joseph Bhore: I go on, Sir, then to Article 3 (3).

Prof. N. G. Ranga: Can I not have some explanation. . . ?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

The Honourable Sir Joseph Bhore: Undoubtedly, Sir, this particular Article seems to have aroused a great deal of doubt and some misapprehension. I endeavoured in the very categorical replies that I gave to Sir Ghulam Hussain Hidayatallah to try and remove all possibility of doubt or misapprehension. Let me, Sir, put my reply in more general and wider terms since my specific replies do not seem to have carried conviction in this matter to the opposite side. I would like to say, Sir, that there is nothing in this Article which prevents us from decreasing the rates of duty on foreign goods or increasing the rates of duty on British goods if such decrease or increase is required in order to equate the fair selling price of the Indian article to the duty-free price of the British and the foreign article. In other words, it does not prevent us from using the off-setting powers or the reducing powers which are given to us by Statute. I hope, Sir, that that will entirely remove all apprehension that may exist in regard to this particular Article.

I now come, Sir, to Article 4, which seems to have excited a special manifestation of—may I call it,—hysteria outside this House and a certain measure of uneasiness in this House itself. Let us see what the cause of this is. What is it that we are undertaking to do? In the first place, we are undertaking to give the British industry concerned a full opportunity for stating its own case and of replying to cases that may be put on the other side. That, Sir, as I have already said, and as many Honourable Members of this House have admitted, introduces no new factor into our procedure. It has already been pointed out that, not only British industries, but at least on one occasion, the industry of a foreign country, namely, Japan, have definitely put their case before the Tariff Board, and I submit that such aids to an exhaustive inquiry by the Tariff

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Board should be permitted as being in the interests of this country. Now, Sir, I was asked why we had done a thing like this which reflected on the dignity and status of this country. May I point out that exactly the same right has been given to the United Kingdom by Canada and Australia?

Then, Sir, what more do we undertake to do? We undertake,—and note the limitation,—in the event of a radical change in the conditions affecting a protected industry, to order a re-investigation in order to see whether the existing duties are appropriate or not. Not only has that been our existing practice, but I contend that we should be failing in our duty if we did not undertake to re-investigate the condition of an industry in those circumstances. Honourable Members are aware that we have already done so, and I think the last occasion on which we did so was in connection with the cotton textile industry. But some one may say “Ah, that was merely because the radical change in conditions made the existing duties too low”. Is there any one, Sir, who can seriously contend that a radical change in conditions justifies an investigation with a view to raising duties in the interests of the manufacturer but that a radical change in conditions does not justify an investigation with a view to lowering duties when they become excessive in the interests of the consumer? I do not think, Sir, that even manufacturers themselves would be so bare-faced as to put forward a contention of that nature.

Mr. H. P. Mody: There will be a Tariff Board enquiry.

The Honourable Sir Joseph Bhore: Yes. Manufacturers in this country have always a right to come and ask for a re-investigation if conditions change so radically as to render the protection given insufficient. They have never hesitated to use that right. Is the consumer to be debarred from looking forward to an investigation if radical changes in conditions have made duties that have been imposed by the Legislature clearly and grossly excessive? If we have given the right to the United Kingdom to bring to our notice such radical changes in conditions, it is surely in the interests of the consumer that these radical changes should be brought to notice, and that an investigation should take place,—not,—mark you,—with a view to depriving the industry of protection, but with a view to depriving the industry of excessive profits, profits which the Legislature never intended, in according protection in the first instance. And, then, Sir, what is the procedure? Firstly, we have to be satisfied that a radical alteration in conditions has taken place.

Mr. S. Satyamurti: Who will judge that?

The Honourable Sir Joseph Bhore: I. (Laughter.)

Secondly, the enquiry is to be our enquiry, ordered by ourselves, and entrusted to those whom we consider suitable to carry out the investigation. Thirdly, the conclusions on that enquiry are to be our conclusions, and, lastly, Sir, if the substantive level of protection granted by the Legislature is to be reduced, it is the Legislature that will reduce the level of protection. Sir, in the name of all that is reasonable, if this is the

procedure, I ask, who can possibly take exception to the undertaking given? (Hear, hear.) But, Sir, some one may say, there is nothing else left for him to say—it is perfectly reasonable that if conditions alter radically that there should be a re-investigation, but you have given the United Kingdom the power of bringing such alteration in conditions to our notice. Sir, is that the head and front of our offending, is that the entire gravamen of the charge against us? Then, I am sure, if it is, all Members of this House will agree that the only way of dealing with such a charge is to treat it with the indifference which it deserves. (Laughter.)

My friend, Mr. Mody, inquired whether the investigation under Article 4 would be a Tariff Board investigation. I can give him that assurance at once. It will be a Tariff Board enquiry.

Mr. H. P. Mody: Thank you.

The Honourable Sir Joseph Bhore: Then, my friend, Mr. Jinnah, was also very perturbed about reciprocity in this particular matter. You have given these people the right of stating their case; have you got a similar right to go and represent your case before a corresponding authority in the United Kingdom?

Mr. M. A. Jinnah: I said any authority.

The Honourable Sir Joseph Bhore: Any authority,—I said the corresponding authority. I reply “Yes” and an emphatic “Yes.” Under the Import Duties Act, we have the statutory right of putting our case in the event of a question arising concerning the imposition of import duties for protective purposes in the United Kingdom.

Sir, I now come to Articles 5 and 6, which my friend, the Leader of the Opposition tried so hard to belittle. Now, Sir, Article 5 gives an undertaking which, I submit, is of considerable potential importance to his country, and I say that, despite the scepticism with which some of my friends opposite would seem to regard it. The promise which is given to us by the United Kingdom and by Lancashire is not the mere expression of an empty or pious hope. They have definitely taken steps to implement their promise by investigation, experiment, research and by setting up an organisation to further the purchase of Indian cotton. Honourable Members, if they are reasonable, must recognise that the turnover from American cotton to Indian cotton is a matter which cannot take place in a day, or a month, or even a year, but the figures of consumption of Indian cotton by Lancashire are extremely significant as bearing witness to the honesty of the endeavour which is promised in this Article. My Honourable friend, Sir Cowasji Jehangir, has already given figures in bales, I will give the figures in tons and bring them up to date. In 1931-32, the United Kingdom bought 29,700 tons of Indian cotton; in 1932-33, she bought 29,800 tons; in 1933-34, in pursuance of her promises to do all that she could to further the offtake of Indian cotton, she bought 61,000 tons. (Cheers.) In 1934-35, the figures for the first eight months which alone are available show that she took even more in the first eight months of this year than she did in the corresponding eight months of last year. (Cheers.) Surely these figures should help to carry some conviction as to the genuineness of the United Kingdom's efforts. I am sure that agriculturists in this House will realise the importance of this Article so far they are concerned.

Sardar Mangal Singh (East Punjab: Sikh): Where is the guarantee that they will continue to do that?

Mr. M. A. Jinnah: What is the date of the Import Duties Act, and what section? I shall feel obliged if the Honourable Member can give me that.

The Honourable Sir Joseph Bore: 1932, section 2, clause 3. Let me turn to Article 6. It is hardly necessary for me to refer to this in any detail. The privilege of free entry for our pig carries with it a preference of no less than 33½ per cent against all foreign imports. I have already given figures to this House to show how that preference has resulted not only in the substantial increase of our exports to the United Kingdom but in almost eliminating our foreign competitors in this field. I would also suggest to the House that they should remember one thing, and that is this. British blast furnaces are capable of providing the entire needs of the country so far as pig iron is concerned, and, nevertheless, this concession of free entry has been given to us.

Sir, a great deal has been made of the fact that commercial opinion was not consulted in regard to this Agreement. I have already tried to explain the reason for that, and I submit that, in view of what I have stated, those reasons should be obvious. In the matter of advice and consultation, I have always treated commercial interests in this country with the consideration which is due to them, but in this particular case, what was there that I could have consulted them on? Could I have asked them their opinion with regard to the principles which have been accepted over and over again by the Legislature, or asked them about the procedure and usage which have been enshrined in our practice for years? Had I felt that there was the remotest possibility of this country's interests being affected by any provision of this Agreement, I most certainly would never have hesitated to consult them.

It remains for me to deal with two rather amazing allegations. One is that the Fiscal Autonomy Convention has been thrown to the winds. Now, I am glad to have the assurance from the Opposite Benches that that is not the view, at any rate, of a Leader of one of the important Parties in this House. I, therefore, say no more about it. I would ask this House, however, whether it can point to a single syllable or a single sentence or a single phrase in this Agreement which can affect or does affect the Fiscal Autonomy Convention. Then, Sir, the other charge is even more grotesque. The other allegation is that hereafter it will be impossible for us to protect our industries against the competition of the United Kingdom. I say we have got the definite acquiescence of the British Government in the view that in economic well-being of this country we are entitled to apply the policy of discriminating protection and in pursuance of that policy to give to the industry concerned adequate protection against all imports of whatever origin, British and non-British alike.

Sir, I had hoped to take up the mis-statements made in regard to the Agreement one by one, but I am afraid their number is legion and my time is already far spent. I have, however, I hope, said sufficient to enable such Honourable Members as are free to act in their own discretion (Laughter) to reject those mis-statements on their own initiative.

I have now finished my review of the Articles of this Agreement. I aim that there is not a single national interest which is endangered or which is adversely affected by any of the provisions of this Agreement, and if, while retaining unimpaired the economic interests of this country, we have been able to do something to help on the cause of goodwill and friendliness between the two countries at this most fateful juncture of their histories, then, Sir, we have done something of which we need never be ashamed and of which, this country in its calmer moments, having regard to the wider issues involved, will not deny appreciation. (Loud and prolonged Applause.)

Mr. President (The Honourable Sir Abdur Rahim): The original question was:

"That the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, be taken into consideration."

Since which the following amendment has been made:

"That for the original motion, the following be substituted:

"That this Assembly, after duly considering the Agreement between His Majesty's Government in the United Kingdom and the Government of India, signed on the 9th January, 1935, is of the opinion that inasmuch as the said Agreement is unfair to India, the Government of India should terminate it forthwith."

The question I have to put is that that amendment be made:

The Assembly divided:

AYES—66.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Anoy, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Anandhasayanam.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Banerjee, Dr. P. N.
Baqai, Mr. M. A.
Bardoloi, Srijit N. C.
Bhagavan Das, Dr.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Venkatachalam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Gauha, Mr. K. L.
Giri, Mr. V. V.
Govind Das, Seth.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khau Sahib, Dr.
Khare, Dr. N. B.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Ananduranga.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Murtuza Sahib Bahadur, Maulvi
Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Umralsaha, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Bajpai, Mr. G. S.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Drake, Mr. D. H. C.
 Ebrahim Haroon Jaffer, Mr. Ahmed.
 Fazl-i-Haq Piracha, Khan Sahib
 Shaikh.
 Gajapatiraj, Maharaj Kumar
 Vijaya Ananda.
 Ghiasuddin, Mr. M.
 Ghuznavi, Mr. A. H.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hidayatallah, Sir Ghulam Hussain.
 Hockenbuhl, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jehangir, Sir Cowasji.

Kirpalani, Mr. Hiranand Khushiram.
 Lal Chand, Captain Rao Bahadur
 Chaudhri.
 Lindsay, Sir Darcy.
 Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mody, Mr. H. P.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Mukharji, Mr. N. R.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Raisman, Mr. A. J.
 Rajah, Raja Sir Vasudeva.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan, Captain
 Sardar.
 Singh, Mr. Pradyumna Prashad.
 Sinha, Raja Bahadur Harihar Prosad
 Narayan.
 Sircar, The Honourable Sir
 Nripendra.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.

The motion was adopted. (Loud Applause.)

Mr. President (The Honourable Sir Abdur Rahim): Having regard to the result of Mr. K. L. Gauba's amendment, it is not necessary for the Chair to put either the other amendments or the original motion to the House.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th February, 1935.

LEGISLATIVE ASSEMBLY.

Monday, the 4th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBERS SWORN.

Mr. Amarendra Nath Chattopadhyaya, M.L.A. (Burdwan Division:
 Non-Muhammadian Rural);
 U Thein Maung, M.L.A., (Burma: Non-European); and
 U Ba Si, M.L.A., (Burma: Non-European).

SHORT NOTICE QUESTION AND ANSWER.

Mr. President (The Honourable Sir Abdur Rahim): It has been arranged, in order to give more time to the Honourable Members who want to take part in the debate on the report of the Joint Parliamentary Committee, that there should be no questions today excepting one short notice question of which notice has been given by Mr. Satyamurti.

INDO-BURMA TRADE AGREEMENT.

Mr. S. Satyamurti: (a) Will the Honourable the Commerce Member be pleased to state whether negotiations are afoot of the Indo-Burma Trade Agreement?

(b) At what stage do the negotiations stand?

(c) What are the proposed terms of the Agreement?

(d) Will this House be given an opportunity to discuss and express their opinion on the terms of the Agreement? If not, why not?

(e) Have Government ascertained in any other manner the opinion of the people of India and Burma in this matter?

The Honourable Sir Joseph Bhore: (a) and (b). The Government of India have under consideration in consultation with representatives of the Government of Burma, the nature of the regime to govern the mutual trade relations of India and Burma in the transitory period after separation.

(c) I regret that I am unable to say at this stage what will be the outcome of the consultation to which I have just referred.

(d) The Government of India would have been glad—had the exigencies of public business permitted—to have heard the views of this House as to the nature of the regime which should govern the trade relations of India and Burma until such time as the two Governments concerned were in

a position to formulate their own tariff policies and to negotiate a permanent trade agreement. The Government of India, however, wish it to be understood that they are under no constitutional obligation to place before this House for discussion the terms of a trade agreement before it is concluded.

(c) Yes.

Mr. S. Satyamurti: May I know who are the representatives of the Government of Burma who are negotiating with the Government of India this Trade Agreement?

The Honourable Sir Joseph Bhoré: The representatives are Sir Louis Kershaw and Mr. Wise.

Mr. S. Satyamurti: Is there any Burman among the representatives?

The Honourable Sir Joseph Bhoré: No, Sir.

Mr. S. Satyamurti: May I know the reason why no Burman is included in the delegation?

The Honourable Sir Joseph Bhoré: That is not a matter with which the Government of India are concerned; that is a matter for the Government of Burma.

Mr. S. Satyamurti: May I know whether, in view of the existing constitutional position between the Government of Burma and the Government of India—the former being a subordinate Government,—what is the position of this subordinate Government of Burma *vis-a-vis* the Government of India?

The Honourable Sir Joseph Bhoré: The Government of Burma is a principal, not agent in this matter, and it is open to the Government of Burma to nominate its own representatives. The Government of India cannot dictate how its representatives should be chosen.

Mr. S. Satyamurti: May I know what is the period for which the Agreement is being negotiated?

The Honourable Sir Joseph Bhoré: That also, Sir, is under consultation.

Mr. S. Satyamurti: May I know if it is contemplated that it should last beyond two years from the date of its conclusion?

The Honourable Sir Joseph Bhoré: I cannot express to my Honourable friend any opinion on that point, because no conclusion has yet been finally reached.

Mr. S. Satyamurti: May I know at what stage the negotiations stand?

The Honourable Sir Joseph Bhoré: That is an almost impossible question for me to answer. I can only say that our consultations have by no means finally concluded.

Mr. M. A. Jinnah: May I know whether the Government of India, although they are under no constitutional obligation, propose to consult this House or not in fact?

The Honourable Sir Joseph Bhoré: If my Honourable friend asks whether there will be a consultation before we come to any conclusion, I shall answer that question.

Mr. M. A. Jinnah: After the Agreement is concluded between the Government of India and the Burma Government, will the Government of India place that Agreement before this House for their approval?

The Honourable Sir Joseph Bhoré: No, Sir, not for their approval. We shall follow, if necessary, the same practice as we followed in the case of the Indo-British Trade Agreement.

Mr. S. Satyamurti: May I know the reason why the Government of India do not propose to place this Agreement before this House before it is concluded?

The Honourable Sir Joseph Bhoré: Because they propose to follow accepted constitutional practice in this matter.

Mr. S. Satyamurti: Is there anything in the accepted constitutional practice which prevents the Government to place the Agreement before this House?

The Honourable Sir Joseph Bhoré: If my Honourable friend would only refer to one of his own colleagues who sits on his left and who spoke the other day in connection with the Indo-British Trade Agreement, he would know what that constitutional practice is. As I have said, the Government of India will strictly follow constitutional practice in this case.

Mr. M. A. Jinnah: May I ask whether the Government of India, in the course of the negotiations and before the Agreement is finally concluded, consult the commercial opinion in India?

The Honourable Sir Joseph Bhoré: We have had the fullest opportunity for consulting commercial opinion in this country. We have had consultations with representatives of the Federation of Indian Chambers, of the Associated Chambers, of the principal mill-owners' associations and we have also had an opportunity of listening to the views of the representatives of Indians in Burma. I can assure my Honourable friend that we have had the fullest consultation with interests concerned on this matter.

Mr. B. Das: Did the Government of India consult the interest of the agriculturists of Bengal, Madras and Orissa in connection with this Indo-Burma Trade negotiations?

The Honourable Sir Joseph Bhoré: We have had the case of agriculture in India fully before us during the course of these negotiations.

Mr. B. Das: May I inquire, who are the representatives who have represented the agriculturist class in these negotiations?

The Honourable Sir Joseph Bhore: The representatives are the Department dealing with Agriculture in the Government of India.

Mr. N. M. Joshi: May I ask whether among the men consulted there was any representative of Indian labour in Burma?

The Honourable Sir Joseph Bhore: No, Sir, not that I am aware of, but, as I have said, that is a matter for the Government of Burma, and not for the Government of India.

Mr. S. Satyamurti: May I know if the question of the emigration of labour to Burma is one of the terms which are being negotiated?

The Honourable Sir Joseph Bhore: I can only say that that is one of the questions which is being prominently borne in mind by the Government of India.

Mr. S. Satyamurti: If that is so, may I know who are the representatives of labour who are being consulted by the Government of India in respect of that matter?

The Honourable Sir Joseph Bhore: The representative of labour is my Honourable friend to my right, Sir Frank Noyce.

Pandit Govind Ballabh Pant: Was the Ottawa Agreement placed before this House before its acceptance by the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): That question does not arise.

Mr. N. M. Joshi: In view of the fact that the Honourable Member in charge of the Department of Industries and Labour is a representative of labour, may I ask why was the non-official commercial community separately represented so long as there was a Commerce Member taking part in the negotiations?

(No answer.)

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (b) of the starred question No. 500 asked by Pandit Satyendra Nath Sen on the 16th March, 1934.

COMPOSITION OF THE ALL-INDIA POSTS AND TELEGRAPHS UNION.

500.* (b) *Indian Posts and Telegraphs Union.*

(i) Number of Hindu Members. Number of other non-Muhammadan members.

41

25

(ii) Names of office-bearers.

1. Seth Haji Abdoola Haroon,
2. Mr. Muhammad Anwar-ul-Azim,
3. Mr. K. L. Gauba,
4. Diwan Chimman Lal,

5. Mr. Asaf Ali,
6. Mr. Abdul Matin Chaudhury,
7. Dr. Ziauddin Ahmad, C.I.E.,
8. Mr. M. G. A. Swaberry,
9. Mr. Basharat Ullah,
10. Mr. Teja Singh,
11. Mr. Jagan Nath Pershad,
12. Mr. B. N. Jacob,
13. Mr. Abdul Jabbar, and
14. Mr. Ihsan Ullah Beg.

(iii) Names of the members of the Executive Council

1. Seth Haji Abdoola Haroon,
2. Mr. Muhammad Anwar-ul-Azim,
3. Mr. K. L. Gauba,
4. Dewan Chaman Lal,
5. Mr. Asaf Ali,
6. Mr. Abdul Matin Chaudhury,
7. Dr. Ziauddin Ahmad, C.I.E.,
8. Mr. M. G. A. Swaberry,
9. Mr. Basharat Ullah,
10. Mr. Teja Singh,
11. Mr. Jagan Nath Pershad,
12. Mr. B. N. Jacob,
13. Mr. Abdul Jabbar (Postman),
14. Mr. Mirza Ihsan Ullah Beg,
15. Mr. Hamid Hussain B.A.,
16. Mr. Zahur Ahmed, B.A.,
17. Mr. Salahuddin,
18. Mr. A. Ghaffur Khan Kadiri,
19. Mr. Faizul Hassan,
20. Mr. Nand Lal Sharma,
21. Mr. Kewal Ram, B.A.,
22. Mr. Erich Birch,
23. Mr. Kartar Singh,
24. Mr. Gobind Ram,
25. Mr. K. D. Malik,
26. Mr. Nur-ud-din,
27. Mr. M. Barkat Ali,
28. Mr. M. D. Mirza,
29. Mr. Kifayat Ullah Khan,
30. Mr. Hamid Hussain, B.A.,
31. Mr. K. Haque,
32. Mr. M. A. Tahir,
33. Mr. Raza Hussain,
34. Mr. U. D. Ghouri,
35. Mr. M. A. Alim Khan,
36. Mr. Sijandar Mir,
37. Mr. Fakhruddin,
38. Mr. Mohd. Isa Khan,

39. Mr. Bhavandas,
40. Mr. A. H. Aristotle,
41. Mr. Autar Singh,
42. Mr. Ramdas,
43. Mr. Ram Kishore (Packer),
44. Mr. E. M. Morris,
45. Mr. Chetar Ram,
46. Mr. W. J. Peters,
47. Mr. R. C. Pathak, and
48. Mr. Durga Pershad.

Information promised in reply to starred questions Nos. 186, 190 and 191 asked by Khan Bahadur Haji Wajihuddin on the 23rd July, 1934.

ILLICIT TRAVELLING ON RAILWAYS.

186*. (a) Yes.

(b) These duties are detailed in the Pocket Guide for Ticket Checking staff, a copy of which has been placed in the Library of the House.

(c) (i) Preventing passengers from getting on to trains and platforms without tickets;

(ii) Taking a census of passengers on certain occasions;

(iii) Assisting passengers in entraining and detraining and giving necessary information to passengers;

(iv) Preventing unauthorised passengers from entering compartments reserved for ladies.

(d) No. These are not duties pertaining to the staff of the Accounts Department.

GETTING INTO RUNNING TRAINS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

190*. (a) and (b).—Paragraph 12 of the Pocket Guide issued for guidance of Ticket Checking Staff reads as follows:

"The staff must not jump on the foot-board of the carriages or run along side of trains when in motion. They should take up their proper position in the carriage or on the platform and wait until the train stops".

(c) No complaint of any disregard of these rules has been received.

(d) He must use his own judgment.

(e) The size of a satchel is 10 1/2" x 8". Salter's spring balance can be put into this Satchel but not Salter's improved spring balance.

(f) Two kinds of Salter's spring balances are now supplied to Travelling Ticket Examiners:

(i) Pocket size with hook and ring 11 3/4" long, and without hook and ring 9" long.

(ii) Improved type with hook and ring 19 1/2" long, and without hook and ring 14" long.

Government consider it unnecessary to exhibit these in the House.

SPRING BALANCES CARRIED BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

191*. (a) In cases in which the amount of luggage carried is believed to be more than the free allowance admissible Travelling Ticket Examiners are expected to weigh the luggage using their spring balances. If they can do this conveniently they can get the help of station coolies and arrange to have the luggage weighed on station weighing machines.

(b) Yes.

(c) Peons are not considered necessary.

(d) No. These are details which are provided for in the Pocket-Guide for ticket-checking staff.

(e) and (f). This is dependent on circumstances.

(g) No. He should wait till the train halts at a station and then seek the assistance of station porters.

(h) Government see no reason for their intervention.

(i) The reading is taken when the balance is stationery, and there can, therefore, be no question of an overcharge.

Information promised in reply to starred question No. 248, asked by Mr. Gaya Prasad Singh on the 30th July, 1934.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

248*. (a) and (b). It is understood that in the past some students of the Delhi University were admitted into the Medical Colleges at Calcutta, Bombay and Lucknow. Government are exploring the possibility of securing greater facilities for the prosecution of Medical Collegiate education by Delhi students.

(c) No.

(d) The reason is that the courses of study for the Intermediate Examination of the Delhi University are not recognised by the Faculty of Medicine of the Lucknow University.

Information promised in reply to starred question No. 257, asked by Mr. B. V. Jadhav on the 30th July, 1934.

NON-RECOGNITION OF THE INTERMEDIATE EXAMINATION IN SCIENCE, MEDICAL GROUP, OF THE DELHI UNIVERSITY BY THE LUCKNOW UNIVERSITY.

257*. (a) Yes.

(b) The matter is one for adjustment between the two Universities.

Information promised in reply to unstarred question No. 38 asked by Khan Bahadur Haji Wajihuddin on the 6th August, 1934.

GAZETTED OFFICERS DUE TO RETIRE IN THE GOVERNMENT OF INDIA OFFICES.

58. Statement showing the number of Gazetted officers, Indians and Europeans, in the Government of India Secretariat and its attached and subordinate offices at headquarters, who are due to retire during the period July, 1934, and April, 1935, and are likely to be employed subsequently on special duty.

Number of officers likely to retire.		Number of officers likely to be re-employed.
Indians.	Europeans.	
7	5	Nil.

Information promised in reply to starred questions Nos. 747, 749 and 751 asked by Sardar Sant Singh on the 21st August, 1934.

AGREEMENTS SIGNED BY THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

747*. (a) and (b). When the posts of Travelling Ticket Examiners were abolished, staff employed as such, who were offered and accepted posts of Special Ticket Examiners, were not asked to sign new agreements.

(c) Government understand that the form of service agreement filled in by old Travelling Ticket Examiners is the same as is signed by other categories of subordinate railway employees and does not contain any provision for the grant of mileage allowance to them. At the time of appointment as Special Ticket Examiners, mileage allowances were not sanctioned by the Agent, North Western Railway.

HOUSE RENT PAID TO CERTAIN SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

749*. The Agent, North Western Railway, reports that no Special Ticket Examiner is now held eligible for this concession.

HOUSE RENT PAID TO CERTAIN SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

751*. (a) Yes.

(b) The first ten Special Ticket Examiners were getting house rent owing to a mistake from the 1st June, 1931, but this has since been stopped. In this connection, I would invite the Honourable Member's attention to the information laid on the table of the House on the 18th July, 1934, in reply to parts (g) to (k) of question No. 310 asked by Shaikh Sadiq Hasan on the 14th December, 1933.

Information promised in reply to starred question No. 870 asked by Maulvi Syed Murtuza Sahib Bahadur on the 28th August, 1934.

NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR BY THE EAST INDIAN RAILWAY EMPLOYEES.

870*. (a) Yes, so far as the railways which were State at that time are concerned.

(b) Yes.

(c) and (d) The Agent, East Indian Railway, reports that the original orders said to have been issued by District Traffic Superintendent, Moradabad, on the 23rd August, 1923, are not available. Government are not, therefore, in a position to say whether the orders issued by the Divisional Superintendent, Moradabad, in his letter No. E.T./4/31/A.S.M., dated the 10th December, 1931, conflict with those said to have been issued by District Traffic Superintendent, Moradabad.

Information promised in reply to part (d) of starred question No. 921 asked by Mr. S. G. Jog on the 30th August, 1934.

INCREMENTS OF STAFF IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

921*. The Agent, East Indian Railway, reports as follows:

"(d) (i) and (ii) The increments of four ticket collectors and twenty-six relieving clerks were stopped for failing to make any effort to pass the goods accounts examination in spite of being repeatedly warned. Three of these passed the oral test by the Divisional Commercial Officer and their increments were granted with back effect. The grade increase of one assistant station master has been withheld for failing to qualify himself in first aid.

It was not the intention to penalise them unnecessarily, but to make them qualify in their duties so that the administration may utilise them for relief purposes in goods sheds as well as working as flag station masters for which duties it is essential that they should pass the goods accounts examination.

Increments are granted only for approved service and those who have made no serious effort to qualify themselves for the above examination, which is essential for the nature of their duties, cannot be treated as having rendered approved service.

(iii) and (iv) In keeping with the practice which had been in vogue for many years on the Lucknow and Moradabad divisions the locomotive running staff officiating in higher grades were not granted increments. This practice was, however, on examination found to be incompatible with the rules and was abandoned and the pay of the staff was ordered to be refixed with effect from the 1st September, 1934, taking all previous officiating service into account. No readjustment in the pay earned previous to that date was, however, allowed."

(v) Government are informed that increments due to the staff are paid within a reasonable time after they are due.

(vi) No.

Information promised in reply to starred questions Nos. 924 and 925 asked by Mr. S. G. Jog on the 30th August, 1934.

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

924*. So far as old Ticket Inspectors who held posts as such and drew a mileage allowance and are now working as Travelling Ticket Inspectors under the Moody-Ward system are concerned, I would draw the Honourable Member's attention to

the information laid on the table of the House on the 29th January, 1935, in reply to question No. 216 asked by Khan Bahadur Haji Wajihuddin on the 19th March, 1934. Old Travelling Ticket Inspectors who are now employed as Head Ticket Collectors, Assistant Head Ticket Collectors and Ticket Collectors are holding stationary posts and are not required to travel and are therefore not eligible for any consolidated or other travelling allowance.

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

925*. (a) Government are informed that in order to absorb the old Travelling Ticket Inspectors in higher posts, they are being posted as Head Ticket Collectors and Assistant Head Ticket Collectors as, and when, opportunities offer.

(b) The reply to the first part is in the negative. As to the second part, I would mention for the Honourable Member's information that staff permanently appointed in stationary posts are not entitled to draw any consolidated or travelling allowance.

(c) Does not arise.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce, in accordance with standing order 5(3) of the Legislative Assembly Standing Orders, that I received by 12 Noon on Saturday, the 2nd February, six notices in all nominating the following three candidates for election to the office of the Deputy President, namely:

- (1) Mr. Akhil Chandra Datta,
- (2) Rao Bahadur M. C. Rajah, and
- (3) Mr. D. K. Lahiri Chaudhury.

Before I proceed to read out the names of the proposers and seconders, I should like to mention that one of the nomination papers in favour of Rao Bahadur M. C. Rajah was not handed in to me personally by Bhai Parma Nand, who was the proposer, but was given to me by Mr. R. S. Sarma. Since the proposer in this case did not comply with the provisions of Standing Order 5(2)(ii), I am setting aside that nomination paper as invalid. This does not, however, materially affect Rao Bahadur M. C. Rajah's candidature, because there is another nomination paper which is in order in his behalf. The names of the proposers and seconders are as follows:

For Mr. Akhil Chandra Datta:

Proposers:

Pandit Lakshmi Kanta Maitra.
Mr. Fakir Chand.
Mr. Suryya Kumar Som,

Seconders:

Mr. Suryya Kumar Som,
Pandit Lakshmi Kanta Maitra,
Dr. P. N. Banerjee.

For Rao Bahadur M. C. Rajah:

Proposer:

Mr. R. S. Sarma.

Secunder:

Captain Rao Bahadur Chaudhri Lal Chand.

For Mr. D. K. Lahiri Chaudhury:

Proposer:

Lieut.-Colonel Sir Henry Gidney.

Secunder:

Syed Ghulam Bhik Nairang.

As there are more candidates than one, the ballot for this election will, as announced by me to the House on Monday last, be held tomorrow.

Mr. R. S. Sarma (Nominated Non-Official): Sir, Rao Bahadur Rajah has written to me a letter withdrawing his candidature for the Deputy Presidentship. May I hand it over now?

Mr. President (The Honourable Sir Abdur Rahim): Yes.

(The Honourable Member, Mr. R. S. Sarma, then handed in to the Secretary the letter from Rao Bahadur Rajah.)

Mr. President (The Honourable Sir Abdur Rahim): Then the candidates that remain are Mr. Akhil Chandra Datta and Mr. D. K. Lahiri Chaudhury.

ELECTION OF THE STANDING COMMITTEE ON EMIGRATION.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Wednesday, the 30th January, 1935, the time fixed for receiving nominations for the Standing Committee on Emigration, eight nominations were received. As the number of candidates is equal to the number of vacancies I declare the following to be duly elected:

- (1) Mr. M. Ghiasuddin
- (2) Rao Bahadur M. C. Rajah,
- (3) Mr. F. E. James,
- (4) Dr. G. V. Deshmukh,
- (5) Mr. Satya Narayan Sinha,
- (6) Mr. C. N. Muthuranga Mudaliar,
- (7) Sardar Mangal Singh, and
- (8) Mr. N. M. Joshi.

REPORT OF THE JOINT PARLIAMENTARY COMMITTEE ON INDIAN CONSTITUTIONAL REFORM.

The Honourable Sir Nripendra Sircar (Leader of the House): Mr. President, the motion that stands in my name runs as follows:

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

Mr. A. K. Fuzlul Huq (Bakargunj *cum* Faridpur: Muhammadan Rural): Sir, I rise to a point of order. The motion that has been made by the Honourable the Law Member is not in order and cannot be admitted for discussion. Sir, the motion simply says that "the report of the Joint Committee on Indian Constitutional Reform be taken into consideration". With what object, the Honourable Member has not specified. If he merely wants the Honourable Members of this Assembly to make speeches and not to come to any definite conclusion, I submit, a motion like that is not permissible. A motion must be with some definite object. It is true that a motion of this kind is allowed in the case of Bills, but there the conditions are different. The House has got seizin of the Bill and it can send the Bill for consideration, for the purpose of eliciting opinion, or it can send the Bill to a Select Committee or it may reject the Bill altogether. Now, Sir, so far as this House is concerned, it has not got the power to deal with the report in any of the three kinds that has been specified. Secondly, the report itself is now a dead report, and it has been replaced by a Bill, and, if anything has got to be discussed and decided upon, it is the Bill and not the report which has been superseded by the Bill. For these two reasons, I submit that this motion is not in order and ought not to be submitted to the House for consideration.

Mr. President (The Honourable Sir Abdur Rahim): As regards the point of order raised by the Honourable Member from Bengal, the Chair has not the least doubt that it is not a valid objection. As a matter of fact, the House has been debating motions of this sort many a time without any objection being raised. The objection is based on two grounds, firstly, that this House cannot, by any debate or by any decision it may arrive at, alter the course of legislation in Parliament regarding the Indian Constitution. But as the Honourable Member himself must well know, there are many occasions, as the Constitution stands at present, when this House has to debate matters which may be adjudicated upon not here in India by the Government of India or any authority here, but in Parliament. The next objection raised by the Honourable Member is that there is already before Parliament a Bill to give effect to the Joint Parliamentary Committee Report. As regards that, the Chair takes it that, during the course of the debate, the Honourable Members, if they so choose, can refer to the provisions of the Bill if in any way it is different or divergent from the report of Joint Parliamentary Committee. The Chair, therefore, rules that the point of order is not valid.

The Honourable Sir Nripendra Sircar: Sir, in moving this motion, I realise, as every one must do, that it is not possible to touch even generally and only the main topics discussed in the report within the time allotted to any Honourable Member. Moreover, in the speech which I am making now, the real object is to introduce the matter for discussion. While,

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therefore, I shall claim the right to be a little more detailed in my presentation of the speech in my final reply, I desire to make a very brief speech now.

I find, Sir, from the different amendments which had been handed in, that there are certain definite classes of amendments showing the lines on which arguments are likely to be advanced. As regards the amendment coming from my Honourable friend, Mr. Desai, and his colleagues, there is not the slightest difficulty in understanding what that means. That amendment means that the Mover and the supporters of that amendment do not want any legislation on the lines indicated in the report. I say, Sir, that that is perfectly intelligible although our opinions are different. They say, in fact, that the present Constitution may be bad, it may even be very bad, but what we are getting under this reform scheme makes our position worse, and, therefore, they say that we will have nothing to do with it. I quite understand that position. There is no charm in the word "rejection". The words "rejection" and "acceptance" and what is meant by "unacceptable" and what is meant by "rejected", these words have been tortured during the last few weeks, but when we know the substance, it really does not matter what words have been used. Then, Sir, there are some other amendments which are also on specific matters, but not so general as my Honourable friend, Mr. Desai's amendment. For instance, one party wants the communal decision to be affirmed, somebody wants it to be disavowed. There are others who say that, whether it is good or bad, it is not in the interest of this House or the interests of the nation at large to discuss it at the present moment as nothing will be gained by it. All these three points are equally clearly intelligible and we find no difficulty whatsoever. We find, however, some difficulty in understanding the attitude which has been taken up by another amendment, which proceeds from my Honourable friend, Mr. Mahomed Ali Jinnah. It is in three parts. The first part relates to the communal decision and I need say nothing further about it. The other two parts combined mean this: "Unlike the Congress we do not want to destroy the structure, but what we want to do is to dig out the foundation, to remove the first storey and to keep the second, not that I like the second storey, but it requires a slight modification. If you only change the ceiling, the walls and the floor, and enlarge the windows, then probably I shall have no objection. I am not out for destruction, and I do not want to destroy it." Then, Sir, it is very curious that the Mover of this amendment,—I am proceeding on the footing that it will be moved,—in dealing with the provisions for Provincial Governments, makes it perfectly clear that in this wretched Constitution the only thing.

Mr. M. S. Aney (Berar Representative): Sir, on a point of order. Is the Honourable Member in order in discussing the amendments when they are not moved at all in this House?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think there is any point of order there.

The Honourable Sir Nripendra Sircar: I am only referring to the amendments that are to be moved, but, according to this line of argument, the only bright spot in this wretched Constitution is the Communal Award which has got to be affirmed. There is objection to the special powers of the Governor, to the establishment of Second Chambers and the provisions

[Sir Nripendra Sircar.]

relating to police rules and secret service. I notice, Sir, that the word used is "particularly". Apparently it follows logically that there is no objection, at any rate there is no particular objection, to the other special powers, such as the interest of minorities or the interest of public services.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): No, that is not so.

The Honourable Sir Nripendra Sircar: I daresay my Honourable friend, Mr. Mahomed Ali Jinnah, will explain his position. The difficulty lies in the fact that some of his arguments sometimes are so subtle that it is difficult to follow them. I hope it will not be so on this occasion.

Now, Sir, I was going to say that instead of the honest, direct and frontal attack which comes from my friend, Mr. Desai, we have this disingenuous and indirect attack from my Honourable friend, Mr. Mahomed Ali Jinnah, although directed to the identical purpose. Sir, my Honourable friend, and I believe everybody in this House, knows very well that having regard to the history of this legislation during the last few years and coming up even to the so-called joint memorandum, they have all proceeded on the footing of a Federation between the provinces and the States. My Honourable friend knows very well that it is not a practical proposition to suggest now that we shall go back on that and have a British Indian Federation. Therefore, the objection is that, while saving his face by saying that he is not out for destruction like some other people who are in the House, what he wants is that Federation be dropped, in the sense of a Federation with the States, knowing perfectly well that if that is dropped, the Bill must be dropped. We have got to look at it from a practical point of view. Now, Sir, I really do not want to say more now, and, I am sure, I shall have to say a good deal about it in my final reply after hearing my Honourable friend, Mr. Mahomed Ali Jinnah. I was very pleased this morning

Mr. M. A. Jinnah: Sir, I shall not be offended if the Honourable Member does not pronounce my name from beginning to end. (Laughter.)

The Honourable Sir Nripendra Sircar: Let me inform my Honourable friend, Mr. Jinnah (Laughter), that I have been doing so from bitter experience, because when I was a novice here,—I believe, I am still a novice, but in the last Session,—by a slip of the tongue I referred to "Mr. Navalrai". I was immediately corrected and I was told that I ought to say "Mr. Lalchand Navalrai". I was simply following that precedent, but, in the case of Mr. Jinnah, I will take his advice.

I said, Sir, that I was very pleased this morning to find that I was in a strange company, for this is the first time in my life that I find myself in agreement with a writing about constitutional reforms in the *Hindustan Times*. That has never been my experience so far, and I am very proud and happy this morning, because the paper points out,—I do not desire to read the whole of it,—exactly what I have done this morning. I daresay, both that paper and myself will be proved to be palpably wrong after the arguments of Mr. Jinnah.

Now, Sir, the question is bound to be debated as to whether this Constitution means an advance, whether it is a fraud, a sham, a swindle and is other adjectives which have been profusely used in connection with it; or whether it is something worse than that, not merely a fraud in the sense that we are getting nothing, but it is actually a retrograde movement and that we shall be far worse off under the proposed Constitution than we are at the present moment. This question is bound to be debated and all that I need say now, is this, that the view of any individual Honourable Member on this very important question, the crucial question, must depend more or less—I say more rather than less—on his view of the effect of what have been called the safeguards.

Now, about the safeguards there are two extreme views. There is one view which prevails with some people in England, namely, that these safeguards are merely eye-wash: they read very well and they look formidable on paper, but when in operation they are as useless as the Irish safeguards. That is one extreme view. The other extreme view is that these safeguards are the only thing we are getting under the Constitution: the other portion is mere camouflage: under these safeguards all apparent responsibility will be thwarted: it will be within the power of those to whom special responsibilities have been given to absolutely strangle self-government. That is the other extreme view. Well, if, as a matter of fact, we assume that the Governors or the Governor General, to whom these large powers have been given, will act against the spirit of the Constitution, that it will be their one desire in life to see that no power is really exercised by the people and they will bring into operation the special powers and safeguards without any real necessity for it, of course his Constitution will come to an end: it will not work. On the other hand, if it is assumed that the people who will be in charge of affairs under this proposed Constitution will act in an equally unreasonable spirit and the one desire of their life will be to compel the Governor and the Governor General to use the special powers, the same bitter end will follow. But it is quite possible—and that is my view—that if we presume a reasonable amount of common sense in the Governors and Governor General as also in the people who will take charge of affairs under this Constitution, then these safeguards are neither so formidable which they are according to one view, nor are they worth nothing as the other view tries to make out. At the same time, I am not for a moment suggesting that these safeguards cannot be effective, and that they are mere paper safeguards.

I think, I said in the beginning, that my object is not to make a long speech now, and I really do not desire to say anything more now, and I formally move this Motion that the report of the Joint Parliamentary Committee on Indian constitutional reform be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Before the motion is put to the House, the Chair wishes to consult the House as regards the procedure that is to be followed with reference to the allotment of time to the various Honourable Members who wish to speak on this subject and as regards the order in which the amendments are to be moved. This question will be debated for three days; today there will be no ordinary questions, and, therefore, we shall have the rest of today: on the 6th and 7th, we shall have, as the Chair proposes at present, questions in the ordinary way, and the rest of the day will be devoted to

[Mr. President.]

the motion before the House. As regards the time limit, the Chair has consulted leaders of several parties and there seems to be general agreement that there must be a time limit having regard to the number of Honourable Members who may desire to speak on the subject, and it has been agreed that it should ordinarily be fifteen minutes for each speaker: but, of course, the Chair has discretion in special cases to extend the time if the Chair so chooses, for the purpose of a proper debate. The Chair takes it that that will meet the convenience of Honourable Members.

As regards the amendments, the Chair finds on going through them that there are a great many which are mere repetitions—not less than nine or ten of them: then there are others which have taken a somewhat different line. What the Chair proposes now, in order to save the time of the House and to give as much time as possible to Honourable Members and to avoid unnecessary repetition as far as possible, is that the amendments should be formally moved by the different Honourable Members: for each amendment there will be one Honourable Member who will move it without any speech and then there will be a debate on the motion as well as the amendments. The Chair believes that will conduce to more orderly debate and to saving a great deal of time.

Motion moved:

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

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): Mr. President, I formally move the amendment that stands in my name: It runs as follows:

The Honourable Sir Henry Craik (Home Member): Is it necessary to read the amendment?

Mr. Bhulabhai J. Desai: I have not the least desire to occupy the time of the House.

Mr. President (The Honourable Sir Abdur Rahim): It ought to be read out once.

Mr. Bhulabhai J. Desai: This is how it runs:

"That for the original motion, the following be substituted:

"This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a Constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.

As regards the 'Communal Award' this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the 'Communal Award'."

Mr. President (The Honourable Sir Abdur Rahim): There are two other amendments in the name of the Honourable Member: does he wish to move them?

Mr. Bhulabhai J. Desai: I do not wish to read them: I formally move them both: they are merely just the two parts of the amendment that I have just moved.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

"This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a Constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.

As regards the 'Communal Award' this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the 'Communal Award'."

Amendment moved:

"That for the original motion, the following be substituted:

"This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a Constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General-in-Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme'."

Amendment moved:

"That for the original motion, the following be substituted:

"This Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the 'Communal Award' which forms part of the Joint Parliamentary Committee Report'."

Mr. M. S. Aney: On a point of information, Sir. May I know if two different motions have been moved by the Honourable Member?

Mr. President (The Honourable Sir Abdur Rahim): Yes, he said that he moved them but did not want to read them.

Mr. Bhulabhai J. Desai: Yes, I did not wish to read them just to save time.

Mr. M. A. Jinnah: Sir, I move:

"That for the original motion the following be substituted:

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

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

[Mr. M. A. Jinnah.]

3. With respect to the scheme of the Central Government, called 'All India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion the following be substituted:

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

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

3. With respect to the scheme of the Central Government, called 'All India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay."

To this amendment, there is an amendment by Sardar Sant Singh.

Sardar Sant Singh (West Punjab: Sikh): I don't propose to move my amendment,* Sir,

Mr. A. H. Ghuznavi: (Dacca *cum* Mymensingh: Muhammadan Rural): Sir, I beg to move:

"That for the original motion the following be substituted:

"(a) In the absence of a substitute agreed upon by all the Communities concerned, this Assembly accepts the Communal Award so far as it goes.

"(b) After careful consideration of the Joint Parliamentary Committee's Report, this Assembly is of opinion that the scheme embodied therein falls short of the requirements of the situation and recommends to the Governor General-in-Council to advise His Majesty's Government to make such alterations in the provisions of the Government of India Bill as will bring them into conformity with the recommendations contained in the Joint Memorandum presented by the British Indian Delegation to the Joint Parliamentary Committee."

*"That for paragraph 1 of Mr. M. A. Jinnah's amendment to the motion, the following be substituted:

"This House rejects the communal decision of His Majesty's Government on the ground that the same is anti-national, arbitrary and unjust to the Sikhs and the

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion the following be substituted:

"(a) In the absence of a substitute agreed upon by all the Communities concerned, is Assembly accepts the Communal Award so far as it goes.

"(b) After careful consideration of the Joint Parliamentary Committee's Report, is Assembly is of opinion that the scheme embodied therein falls short of the requirements of the situation and recommends to the Governor General-in-Council to advise His Majesty's Government to make such alterations in the provisions of the Government of India Bill as will bring them into conformity with the recommendations contained in the Joint Memorandum presented by the British Indian Delegation to the Joint Parliamentary Committee."

Bhai Parma Nand (West Punjab: Non-Muhammadan): I move:

"That for the original motion the following be substituted:

"This Assembly, after due consideration of the Report of the Joint Committee on Indian Constitutional Reform, is of the opinion that the Report having been based on an arbitrary and unjust communal award makes the constitution of the Government of India, anti-Hindu, anti-national and anti-democratic, and is therefore unacceptable to this Assembly."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion the following be substituted:

"This Assembly, after due consideration of the Report of the Joint Committee on Indian Constitutional Reform, is of the opinion that the Report having been based on an arbitrary and unjust communal award makes the constitution of the Government of India, anti-Hindu, anti-national and anti-democratic, and is therefore unacceptable to this Assembly."

Mr. M. S. Aney: I do not move my amendment.*

*"That for the original motion, the following be substituted:

"This Assembly recommends to the Governor General in Council to be pleased to communicate to His Majesty's Government that this House after a prolonged, careful and anxious consideration feels constrained to reject *in toto* the proposals for the new constitution for the Government of India recommended in the Report of the Joint Parliamentary Select Committee.

As this House is emphatically of opinion that—

(a) the scheme does not transfer any real power either in the Provinces or at the centre from the British Government to the Indian people and does not meet the legitimate requirements of the country nor does it satisfy the political aspirations of the people;

(b) the numerous safeguards and devices provided therein under various names are entirely in the interests of the United Kingdom and not in the interests of India; and

(c) the communal solution which is the pivot of the entire scheme adumbrated in the Report is anti-national, arbitrary and unjust and the governmental machine based on it will effectively hinder the growth of nationalism, foster the evil of communalism, sow the seeds of perpetual discord and permanently obstruct the development of that spirit of mutual good-will, confidence and co-operation among different interests and diverse communities in the country, without which no system of responsible government can ever be built up. This House therefore earnestly urges that—

(i) His Majesty's Government should be pleased to withdraw the Bill based upon the proposals in the Report now pending before the House of Commons; and

(ii) take steps at an early date to convene a truly representative conference or Constituent Assembly to consider and prepare a scheme of self-government for India which will be acceptable to the people of India."

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): I do not move my amendment*.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban):
I move:

"That for the original motion, the following be substituted :

"This Assembly is of opinion that, inasmuch as the scheme of Indian Constitutional Reform recommended in the Report of the Joint Parliamentary Committee is unsatisfactory and reactionary in many respects, and does not transfer any real power to the people of India, it is wholly unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"This Assembly is of opinion that, inasmuch as the scheme of Indian Constitutional Reform recommended in the Report of the Joint Parliamentary Committee is unsatisfactory and reactionary in many respects, and does not transfer any real power to the people of India, it is wholly unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme."

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural):
I move:

"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to communicate to His Majesty's Government the opinion of the House that the proposals of the Constitutional Reform recommended by the Joint Parliamentary Committee are anti-national and undemocratic and therefore unacceptable to the people of India and further recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the same scheme."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to communicate to His Majesty's Government the opinion of the House that the proposals of the Constitutional Reform recommended by the Joint Parliamentary Committee are anti-national and undemocratic and therefore unacceptable to the people of India and further recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the same scheme."

**That for the original motion the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to inform His Majesty's Government that in the opinion of this House (1) the proposals of constitutional reform recommended by the Joint Parliamentary Committee are unacceptable to the people of India and should, therefore, be abandoned and further that in the opinion of this House (2) the proposals contained in the communal decision of His Majesty's Government and recommended by the Joint Parliamentary Committee are anti-national, arbitrary and unjust specially to the Hindus and Sikhs and will, if adopted, constitute an insuperable obstacle in the way of the establishment of responsible government and should therefore be rejected."

Sardar Mangal Singh (East Punjab: Sikh): I do not move my amendment*.

Sardar Sant Singh: I move:

That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council to inform His Majesty's Government that the recommendations contained in the Joint Parliamentary Committee Report do not fulfil the terms of the solemn pledges given from time to time by His Majesty the King, by His Majesty's Government and by the Prime Minister and the Viceroy; have been conceived in a spirit of distrust of Indians as Indians, do not transfer any real power to the people of this country, and confirm the decision of His Majesty's Government on communal representation which decision being inequitable and unjust to the Sikhs and Hindus, and being anti-national, undemocratic is fraught with danger to the peace and tranquillity of some Provinces. Therefore this Assembly rejects the same and recommends the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said Report."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council to inform His Majesty's Government that the recommendations contained in the Joint Parliamentary Committee Report do not fulfil the terms of the solemn pledges given from time to time by His Majesty the King, by His Majesty's Government and by the Prime Minister and the Viceroy; have been conceived in a spirit of distrust of Indians as Indians, do not transfer any real power to the people of this country, and confirm the decision of His Majesty's Government on communal representation which decision being inequitable and unjust to the Sikhs and Hindus, and being anti-national, undemocratic is fraught with danger to the peace and tranquillity of some Provinces. Therefore this Assembly rejects the same and recommends the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said Report."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I move:

"That for the original motion, the following be substituted :

"This assembly, having considered very carefully the Joint Select Committee's Report and having seen the Bill presented to Parliament, requests the Government of India to inform His Majesty's Government that this Assembly views the proposed constitution with great dissatisfaction. This Assembly is of opinion that many of the safeguards will give rise to deadlocks in the working of the Administration, and that many of the clauses relating to Commercial discrimination go far beyond the necessities of the case and do not appear to have been framed in the interests of India. This Assembly draws attention to the amendments of the constitution suggested during the three Round Table Conferences, culminating in a Joint Memorandum presented to the Select Committee by the British India Delegation, and greatly regrets that none of these amendments has been incorporated in the Bill thereby making it unacceptable to all shades of Indian political opinion."

"That for the original motion, the following be substituted :

"This Assembly recommends to the Governor General in Council that he may be pleased to inform His Majesty's Government that in the opinion of this House (1) the proposals of Constitutional Reform recommended by the Joint Parliamentary Committee are unacceptable to the people of India, and should, therefore, be abandoned; and further that in the opinion of this House (2) the proposals contained in the communal decision of His Majesty's Government as recommended by the Joint Parliamentary Committee are anti-national, arbitrary and unjust specially to Hindus and Sikhs, and will, if adopted, constitute an insuperable obstacle in the way of the establishment of responsible government, and should, therefore, be withdrawn."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

"This Assembly, having considered very carefully the Joint Select Committee's Report and having seen the Bill presented to Parliament, requests the Government of India to inform His Majesty's Government that this Assembly views the proposed constitution with great dissatisfaction. This Assembly is of opinion that many of the safeguards will give rise to deadlocks in the working of the Administration, and that many of the clauses relating to Commercial discrimination go far beyond the necessities of the case and do not appear to have been framed in the interests of India. This Assembly draws attention to the amendments of the constitution suggested during the three Round Table Conferences, culminating in a Joint Memorandum presented to the Select Committee by the British India Delegation, and greatly regrets that none of these amendments has been incorporated in the Bill thereby making it unacceptable to all shades of Indian political opinion."

Mr. Laichand Navairai (Sind: Non-Muhammadan Rural): I move:

"That for the original motion, the following be substituted:

"That this Assembly is of opinion that inasmuch as the Report of the Joint Parliamentary Committee recommends the separation of Sind from the Bombay Presidency against, amongst other weighty objections, the wishes of the entire Hindu population of Sind, bases the constitution on the arbitrary communal award, gives no real power to the people of this country but is a retrograde and reactionary document it is unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the original motion, the following be substituted:

"That this Assembly is of opinion that inasmuch as the Report of the Joint Parliamentary Committee recommends the separation of Sind from the Bombay Presidency against, amongst other weighty objections, the wishes of the entire Hindu population of Sind, bases the constitution on the arbitrary communal award, gives no real power to the people of this country but is a retrograde and reactionary document it is unacceptable to the country; and the Assembly therefore recommends to the Governor General in Council to request His Majesty's Government not to proceed with the Bill based on the scheme."

Now the debate will go on on the main motion and the amendments moved.

Mr. Bhulabhai J. Desai: Mr. President, in rising to move my amendment, I speak under a great sense of responsibility. The Honourable the Mover, in his short address, has not given me the advantage of explaining what it would have been possible for me to do, except that he was pleased to describe me, at all events the amendment for which I stand, as destructive. I have been familiar with many phrases, both in journalism and in public life, but I wish to remind him that the Trinity, which he and I worship in common—the Creator, the Preserver and the Destroyer, is typified in human life itself. It is the embodiment of soul which consumes itself in its activity only in order to recuperate itself from time to time and if we destroy at all, we shall destroy only in order to build better. (Applause.) It is in that spirit that I rise to move the amendment that stands in my name and in doing so, I shall pursue, with humble deference, the course that has been adopted by the framers of the Joint Parliamentary Committee Report which, in order to save the time of the House, I shall hereafter refer to as the Report.

In paragraphs 10 and 11 of their Report, they refer to the conditions, which, according to them, have necessitated the investigation of the conditions of India prevailing during the last five or seven years in order that a new Constitution may be framed. British rule in India, in its first impact of conquest, necessarily produced almost a willing submission and an acceptance of British rule as if it were a beneficent event. Time came, after some education, when people began to consider whether that beneficence had not been exaggerated and the generation that went past before this looked upon British and Indian connection as a providential relationship: Maharshi Ranade and his group, who, in their philosophic outlook on life, believed in the application by Britain of the eternal principles of justice and fair play, held that in the fullness of time it would not be necessary for India to struggle to get what was her right, but it would be admitted freely and ungrudgingly by Britain. That generation has passed away disillusioned not so much because their philosophy was wrong, but because events did not come up to what they foresaw in an undoubtedly happy vision. The events during the last 30 years of British rule produced a reaction—a reaction of which it is not necessary to make a grievance but which it is necessary to examine. India joined Britain in fighting the Great War by placing her men and her resources at the disposal of Britain. We fought for the freedom of Britain, but we were also told then that that was not the only direct objective and that the War was fought for the establishment of the principle of self-determination of subject races of the world. Promises made, from time to time, during the course of this great struggle, have a tendency either to be forgotten or to be repudiated or to be whittled down. That unfortunately is the sordid course of human history. The result has been that by reason of that self-determination, not being put into actual force, a time came when replacing the two earlier attitudes, *viz.*, the recognition of British rule as a beneficent fact and a providential belief that some great events would occur to restore us the freedom,—the third stage was reached in Indian history, in the history of British rule in India. That is the stage at which we now stand today, the stage of struggle, in the hope and in the belief, that at least it will show the earnestness of the people of India to deserve what they desire, namely, the self-government of their own country and their affairs. It is that last phase of the struggle on which we are now engaged and it is to the credit of those who were formulating the Report that they have mainly accepted the basic propositions (except one with which I shall presently deal) for which I stand, and, it is those basic propositions, with the said exception, by which I propose to test the Constitution that is now in the making. In paragraph 10 of the Report, this is what they say:

"By giving that State a Government disinterested enough to play the part of an impartial arbiter, and powerful enough to control the disruptive forces generated by religious, racial and linguistic divisions, it has fostered the first beginnings, at least, of a sense of nationality, transcending those divisions."

They go on to say:

"It has favoured the growth of a body of opinion inspired by two familiar British conceptions; that good government is not an acceptable substitute for self-government and that the only form of self-government worthy of the name is government through ministers responsible to an elected Legislature."

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And they conclude by saying:

"History has repeatedly shown the unwisdom of judging the political consciousness of a people by the standard of its least instructed class, and the creation of the British Empire, as we know it today, has been mainly due to the fact that, for the last hundred and fifty years, British policy has been guided by a more generous appreciation of the value, and a juster estimate of the influence, of what is sometimes called a politically minded class."

We are, therefore, face to face with issues, the tests of which are not in any controversy, between those who have recommended the Constitution and those like me who recommend to the House that it should be dropped. In the fore-front of this discussion, I desire at once to repudiate the correctness of one statement which I have read out to you, that religion, race or language raise differences which have a disruptive effect in human society as is claimed. The history of the world today and of its greatest democracies are evidence to the contrary. The only things that unite the national consciousness of a people are political and economic interests. That fact is borne out by the greatest democracy of the world, the United States of America, where men, drawn from every race, in every single part of the Continent of Europe today, still stand as one great solid political unit respected and feared by the world. Then, as regards language, I have yet to learn that language has anything to do with division between the races for purposes connected with political unity. Even that little Republic of Switzerland in its small parliament, many of you will remember, bears witness to the fact that at least three languages are spoken for purposes of conveying thoughts of common concern to the people. I am, therefore, one of those, who do not believe that diversity of language or race has got any relation whatever to the necessities of a political and economic unity and, coming to the last point, I hold that religion should have the last place in creating any diversity in the matter of Nationality. I have always held, Sir, with a faith which nothing has shaken, that religion is a matter between man and God, and that, it cannot be debased for purposes of the division of spoils of a mundane nature (Hear, hear), that religion has its proper place and should be kept in its proper place, and that if religion is ever used for the purpose of dividing man from man, dividing Indian from Indians, in order only that political domination may be maintained, sustained or confirmed, I hope and trust that every single Indian present here, whatever may be his faith or creed, will give a unanimous lie to that proposition, and that he will not allow himself to be or used as an instrument, merely because he professes a particular faith (Hear, hear), merely because he professes a faith different to the faith of another, of our own subjection. (Loud Applause.) It is for this reason, Sir, that the Congress has taken up the attitude that it has done towards the document which is called the Communal Decision or the Communal Award. Sir, we fully appreciate and we fully realise what has happened as an historical fact during the last some thirty years. Perhaps many of you are aware that it was in the year 1906, or thereabouts, that the first question was raised at all that individuals professing a different faith should have representation on that basis in any of the public Assemblies of this character. Since that event, some thirty years have passed, and that suggestion has always an insidious tendency to harden and strengthen and almost the very poison which it contains has a soporific effect for the time being. That, Sir, is the condition in which we found ourselves when every time the question

of the Constitution came up before the country, and that is how the question of separate electorates has been raised from time to time. I am quite certain that, apart from any question of just and adequate protection of minorities, no difference can ever possibly exist between the political or economic interests either of a Hindu or of a Mussalman, a Sikh or a Christian, a Parsi or a Buddhist (Hear, hear), for, indeed, how can it be otherwise? Can it ever be suggested that between two owners of two neighbouring fields, merely because one is a Hindu and the other happens to be a Mussalman, that there is something written on the face of the field as to its productivity, or that we are going to compete against each other (Hear, hear) in paying more or paying less to the Government, merely because it happens that one professes one faith and the other professes another faith. Has that ever been suggested? Has it ever been said that my friends, for indeed I have no other designation for them, my brethren, my Indian brethren who merely happen to profess another faith, stand less for the freedom of our land? Is it the sole purpose of one section only of India that freedom shall be attained, and can it be, therefore, that, on that ground we shall ever divide, that our sacrifices will be any the less, that our sacrifices will be any the less united in that great cause for which we stand? (Loud Applause.) I say, therefore, that in so far as destructive, the alleged disruptive influences are sought to be attached to and are sought to be extracted from any difference in race, religion or language, I hope the House, in the course of this debate, and the rest of the country will give the lie to such an entirely erroneous proposition, the fallacy which requires only to be stated for its refutation, but which has been by a process of repetition inculcated, accepted and repeated even by some of those who call themselves sometimes the educated people of this country. I stand up before this House, therefore, to say that, in so far as that communal decision is concerned, the position that we take is the only tenable position (*A Voice*: "Question") inasmuch as we claim that we do not look at this issue from the point of view of a section of the people who profess one religion rather than another. We look upon it, we choose to look upon it from a broad national point of view. The only result of a different course of action will be to admit the contention of those who claim—and I am claiming to quote the words of Mr. Baldwin during the last debate—that so long as Indians divide, "we have a right to rule". (Applause.) You must, therefore, remember that those who raise this issue must beware of the consequence that, in the narrowness of their vision, which they bring to bear upon these issues and in the futile discussions which they raise, they do not play into the hands of others. Let us, therefore, not dispute before we acquire. Sir, the natural process has been reversed; all processes of nature and common sense have been reversed. Sir, we begin to dispute about the distribution of what we have not! Shall we not place acquisition first and the distribution next (Hear, hear), instead of the very reverse and obviously injurious process which is engendered by this type of conduct? It is for that reason, my friends—and here I appeal to all the sections of Indians, be they sitting on the Benches opposite or the Benches with me or the Benches in the middle: I have a word to say to my European friends later on at the end of my address, but so far as we Indians are concerned, I ask you to endorse the position that we have taken up, so that we may not continue to dispute in order only to serve and play the opponents' game. I use the word "opponent" in no blame-worthy sense, but undoubtedly in so far

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as this Constitution is being forged by another, it is only in that sense and that sense only that I call the other party the opponents during the course of this debate. It is for that reason, Sir, that we have ventured to take up the position, that instead of poisoning the discussion, instead of diverting the discussion, instead of clouding the discussion, of the real issue of the freedom of India *vis-a-vis* Britain, let us set aside with a breadth of vision in looking at the question, this separatist tendency. I have not the smallest doubt, Sir, that even during the course of this debate my appeal will not fall on deaf ears, that motions should not be moved in that light-hearted way, but that instead we would prefer that motions for acceptance, as well as motions for rejection of the communal decision, should both be withdrawn from the field of the controversy here. (Loud Applause.) But even if that consummation were not to be reached, I have no doubt, Sir, that both those important motions can easily be moved simply without any speech, without any bitterness, without any antagonism, but merely by expressing the view, and, if need be, by merely calling upon the House to divide and express their verdict upon it. That is all that I have got to say on what appears as the second paragraph of the amendment for which I stand; and I have not the smallest doubt that I shall have the sympathy of every single Member of this House in the appeal I have made, and I hope, it is never too late, so that we should not controvert amongst ourselves, but try and consolidate our ranks, so as to stand as one man, as one Indian and so that our consummation and goal may be the more easily achieved.

Coming, Sir, to the next part of the amendments standing in my name, there at all events all controversy seems to have been laid at rest. The Honourable the Mover said, in his inimitable description, as he is apt to do in a Court of law in many a case, that he has won, that there is little or no difference between the position for which I stand and the position of my friend, Mr. Mahomed Ali Jinnah. I am really very glad that it is not merely a matter of compliment, but it gives me the strength and alliance which I value and welcome. (Cheers.) But more than that, reading over all the amendments, it comes to this. After all, we have to translate the matter in the language with which I am somewhat familiar and with which the Honourable the Mover is even still more familiar. Here is an offer of a Constitution the terms of which you have before you both in the Report and in the Bill. All the amendments taken together, in any Court of law and in any court of common sense, must necessarily amount to rejection. We may pretend that we do not reject, but in the eye of the law and in the eye of common sense, if you do not give an unqualified acceptance to the offer, if you make a counter proposal, then it cannot be anything less than the rejection of what is offered. Therefore, in order to give, if I may, without any presumption the lead for future discussion whether my friends say: "I do not like so much, or I do not like so much more, or I do not like so much more and more, or I do not like it at all", each one of them, at all events, rejects the offer made. That, I am sure, even the legal head of the Honourable the Mover must necessarily concede to me. Therefore, so far as the differences between us are concerned, they are only differences of degree, but degree in this matter is a matter of no consequence. What matters is that all of us are agreed for one reason or another and on one ground or another, for more or for less, that the Constitution, as offered, is not acceptable to the bulk of the people of India if not to the entire population of India. (Cheers.)

Now, Sir, may I ask myself only for the purpose of finding out a solution—what is the purpose of any governing power in forging or offering a fresh Constitution at all? It cannot be merely a sense of agitation that from time to time we must revise what we have done. It must have a much more definite and a much more useful object than a mere desire for change. And when one revolves in one's mind the necessity of legislation of this character, there are only two sets of conditions under which such an occasion must arise. The first and foremost is the demand by the people for a better Constitution to which they would be reconciled, and, therefore, accept it, and the second, an emergency arising out of the inefficiency of the Constitution that is in being. If either of those tests is to be applied to present legislation, is it not perfectly obvious that it is futile to carry on with it? Sir Samuel Hoare himself the other day acknowledged—and the matter is writ large in certain portions of the Report under discussion—that for one reason or another the bulk of the Indian people do not seem to appreciate or require the Constitution that is offered. Is it, therefore, put down merely in order that it may please the vanity of individuals? We have had investigation for a long period since the appointment of the Simon Commission in order to find out the wishes of the people and in order to find out what is the nature of the constitution, which, if framed at all, is ever going to do any good, for, after all, a constitution must serve one of two purposes. Either that the people accept it and reconcile themselves to it, and, therefore, there is in it that element of harmony between the rulers and the ruled which will undoubtedly lead to the progress of the people, or a consciousness on the part of those who run the Government that, whether the people want it or not, the present constitution is such that it is not worthwhile carrying on with it any longer. Not only that, but the opinion of the country has been tested in many ways. Fortunately, an event occurred during the last six months when, though the other Councils still remain that they were in the hope that the new Constitution might come into being, this Assembly was dissolved. And on the dual issue which I have incorporated in the amendment now before the House, we went to the polls. Whatever may have been the expectations or the diffidences, the fact remains today that the country has registered its unequivocal, almost unanimous verdict, that the constitution that is offered has no purpose to serve in so far as the Indian people are concerned. (Cheers.) These, Sir, are the undeniable facts apart from the merits of the Constitution itself.

Coming to the merits of the Constitution, what is the position? If time permitted, I would indeed be too glad in so far as in me lies, to examine the document, long though it may be, with the forbearance of the House, but I know my indulgent limit of time and I do not propose to exceed it. But I will take the fundamentals involved in the Constitution which is now before the House. You had three Round Table Conferences. This is not the time or the place to discuss their nature or character for I do not believe in an empty regret of any kind. Undoubtedly, we asked for a Round Table Conference, a Round Table Conference in the proper sense of the term, where the representatives of Britain on the one hand and the representatives of India, not official or constitutional representatives in the sense in which the Honourable Sir Joseph Bhore spoke about himself and his colleagues in answering questions this morning, but true representatives of the people, on the other, should meet in order that a Constitution may be forged in order to reconcile the interests of

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both. But that was not to be—where we asked for bread we got stone. The results of those Conferences are the disillusionment of perhaps its greatest exponent, its greatest supporter, my friend, Sir Tej Bahadur Sapru, who came and said:

"The course of events has shown me that my only proper place is the obscurity of a provincial lawyer."

He is neither obscure, nor provincial. But if it gives rise to feelings of this character in a man of that high-mindedness who intended to assist to the best of his ability, irrespective of his unrepresentative character, which he himself frankly and candidly admitted, if that is the feeling that is inspired by the efforts that were being made at the Round Table Conferences, then its value is easily appraised. That is how the matter stands as far as those consultations are concerned. He also declared:

"I shall not have any Constitution for my country which is divided into parts, which is capable of being examined in parts and which is capable of being received or rejected in parts."

He further said:

"I shall not have any form of provincial autonomy unless I have the fullest and the truest responsibility in the Centre."

(Cheers.)

That is the test that Dr. Sapru laid down and there indeed there is common ground even though, as he himself admitted, he did not go there in a representative capacity. We are, therefore, no longer in a stage of tutelage, no longer in a stage of spoon-feeding, no longer in a stage where we admit that we shall go step by step and very often two steps backwards and, therefore, we shall never move forwards at all. Therefore, it is, that the first test which I shall bring to bear, with your permission, is the test of the reality and the integrity of the Constitution as a whole. The second test, which, with your permission, Sir, I shall apply, is whether there is any real transference of power to the representatives of the people. For it is easy to suggest that you will have all elected representatives, but what is the use even if the best representatives that are elected, after their election, have no power or authority for the purpose of advancement of the progress of those whom they represent? It is, therefore, easy to suggest, in journalistic language, that you have a broad-based constitution, but as you are well aware, Sir, even a few words by strokes of pen can take away ninety per cent. of what is apparently given and that is what has happened in the present Constitution. Taking the two tests, Sir, I begin with what is called the Central Federation that is proposed. For very good reasons I do not propose to refer, except perhaps just in passing, to the part that the Indian Princes will share in the making of the Federation which is visualised in the Constitution. It appears from the Press, it appears from whispers which often become very loud noises, that the Princes do not seem to be very much impressed (Hear, hear) with the utility of this Federation. They say, irrespective of their own advantage or disadvantage, the British Indian does not seem to look upon them as convenient or adequate partners of such a nature that we can be clubbed together. They seem to think that there is a necessary inconsistency

between an absolute monarchy or, in the Greek sense, despotism which they represent and the progressive state which British India must necessarily represent. However, we leave them to their judgments. It is not for us to dictate to them as others may. All we can do is to show them the line. But coming to ourselves, what is it that is done by a single stroke of the pen? After all, there are five aspects of every Government worth the name: (a) The right of external and internal defence and all measures for that purpose; (b) The right to control our external relations; (c) The right to control our currency and exchange; (d) The right to control our fiscal policy; and (e) the day to day administration of the land. These are the five aspects which principally compose any Government. You may forge any constitution you like, you may have 300 or 400 sections of an Act, but these five aspects sum up the outlines of every single Constitution. Looking at it in that outline, by a single stroke of the pen, call it reserved subjects or by any other name, what is it that is taken away and what is it that is left? You shall have nothing to do with external affairs. You shall have nothing to do with defence. You shall have nothing to do, or, for all practical purposes in future, you shall have nothing to do with your currency and exchange, for indeed the Reserve Bank Bill just passed has a further reservation in the Constitution that no legislation may be undertaken with a view to substantially alter the provisions of that Act except with the consent of the Governor General. It also appears from the Bill, as it is drafted, that our greatest national asset, to wit, the State Railways of India, are going almost to share a similar fate in so far as we have or can exercise any authority or power or control. That leaves us still with the "discretionary powers", the "special responsibilities", the veto which exists as a representative of the Crown, but more than that the positive power of individual personal legislation, the positive power of enthroning himself on the very throne of India itself as an absolute and sole dictator: That is the Central Constitution. Added to that, you have two Chambers, including elements which time does not permit me to examine in detail. The fact, therefore, remains that there is no real power conferred in the Centre. With what sense of responsibility, with what sense of honour and with what sense of self-respect, and with what hope we could look forward to the future under such a Constitution? In so far as control and authority over questions of defence and army are concerned, it is a lamentable fact that it is not merely a question of pounds, shillings and pence (though that itself is the greatest burden that India has borne, patiently borne, during the last some 150 years), but it is the moral aspect from which we have to look at it, namely demoralising the race which is the greater and the more insidious source of ruin. It must be remembered and it is admitted indeed that we have all the talents in individual man. Are talents wanting on the other side in those of my race who stand and form part of the present Constitution? You can find Indian administrators, you can find Indian soldiers, you can find Indian economists, you can find Indian scientists and yet how does it happen that, with all those talents, the one thing that we do not find is that those put together do not compose and solely form the self-government of this land? (Hear, hear.) It is the incubus from the top, notwithstanding the possession of all those talents which prevents each of them functioning to the best of his ability and it is the daily deteriorating strength and initiative of the human mind which it is for us to arrest and restore and it is for that, than for any other reason, that I stand here before this House to emphatically say that notwithstanding the talents, it is that domination

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and domination alone which prevents you being what you are and of which you have the capacity of being in your own land. (Hear, hear.) (Applause.) This is a true picture of the Government of India under the proposed Constitution. That is the Government that is offered you. That is the Government that is going to be imposed upon you, for they are forging this Constitution, almost rushing the Bill which, on their own acknowledgment, the Indian people do not desire.

Coming to the Provinces, and with great deference to my Honourable friend, Mr. Jinnah, there is little to choose between the two. When you come to the provinces what is it that is left? India, I think it is confessed even by those who sit on the other side, has reached the uttermost capacity of taxation. Therefore, there is no more money to be found, and yet we are told, that for this great and honoured institution that is coming into being, we shall have to find some 20 crores more for the purpose of feeding this white elephant; and, added to that, when all the sources of revenue have dried up, you say we have responsible Ministers in the Centre. They will all be elected from among the elected representatives, but you put the Indians into this unfortunate and difficult position, that they are between the devil and the deep sea,—I do not say which is which,—between the extraordinary powers placed in the hands of the Governor on the one hand and the great Services for which undoubtedly a great deal is claimed, the services who ought to be their ministerial subordinates but who are going to have a back-door influence against those under whom they are going to serve; between the protected services (if I may use that expression) and between the unprotected Governor with all his powers and with no money and resources at his disposal for any nation-building purposes. Why offer this mockery of what is called provincial autonomy? That is provincial autonomy properly and actually translated in action. Let us be not deceived by form, let us always remember the substance, for indeed there can be many a form by which you can be deceived. It is the soul that matters and not the form. With that central dyarchy and the provincial autonomy of the type that I have described, this House is faced today. And that is what the House has got to consider.

I have now to say a word to my friends, the Europeans, whether they are in the services or whether they are outside it, for both elements are represented in this House. If they are true to the traditions of their great race, if they are true to the promises that their race has made, if they are mindful of one small event, I hope they will remember, that it is the wealth of India and the markets of India which have given Britain the place that she has among the races of the world today. For, indeed, they are well aware of the historical fact that it is the wealth and the markets of India, coinciding with the invention of the steam engine and the spinning-jenny, which have placed them in the world's races where they are. It is not gratitude I ask, but may I not appeal to them that they might do to us what we did unto them? At any rate, so far as we are concerned, they have had enough and more for their growth and their strength, their power and their ability. And is it not time now that they should join their Indian brethren in demanding that the time has now arrived when having got all, having got more than all for establishing themselves in a premier place in the world, they should take the credit in participating in our demand that India shall be free and immediately free? (Applause.) I think I can justly demand it of them. On this

historic and critical occasion, I feel that whatever happens,—for indeed I am aware that defiance to the will of the Indian people has not been uncommon—today I speak with earnestness, with humility, and, I hope and trust, with sincerity, so that you may judge the amendment that I have placed before you in the spirit in which it is presented. I am sometimes reminded of what Frank Harris wrote in speaking about Bernard Shaw, "Give the Englishman a formula and he will do anything, right or wrong". I do not wish to believe that cynical observation on a cynical great man; It is not true of the bulk of the Englishmen. Let them not trot out the protection of the millions for indeed they might as well claim the trusteeship of the world. It is up to them now to meet us as equals and as equal men and assist us in the great task and properly assist us ungrudgingly and unequivocally in building up the true freedom of India. That is an appeal which I trust will not fall on deaf ears, notwithstanding the fact that by reason of their official position as to some of them they may be committed to a particular view to support. But may I humbly ask my European trading brethren here, for whom I have every respect and whose interests are perfectly safe without the provisions against discrimination which only shows the state of mind in which they are instead of charging us with suspicion and distrust, have you really so ruled this country that you yourself have created, at all events in your mind, that when India is free there will be a retaliation for your wrongs? If that is what you think, you testify to your own condemnation. If, therefore, you believe that you have ruled us, as you claim to have ruled, justly and well, then this claim for protection against discrimination with reference to your properties and rights and with reference to the maintenance of the continuation of your exploitation are wrong in themselves. (Applause.)

Sir, I wish to say one thing more, that whatever happens, let this certain voice of India go out that this Constitution is futile and does not serve the purpose of reconciling them, and, I am quite sure, does not serve any purpose that Government have in their view. And if that is so, may I appeal to the House to say that even if we have no power to compel the grant of what we want, we have certainly the self-respect to repel what we do not want? (Applause.)

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, in spite of my 62 years and my grey hairs, so far as this Assembly is concerned, I am a baby. For 14 years we refused to come to this Assembly and I never entered this Assembly, even as a visitor, until the day when I took the oath of allegiance to His Majesty. Therefore, I request you and the House to be kind and indulgent to me. Sir, public speaking is nothing new to me; I have addressed thousands of meetings in India, thousand times bigger than this. But I feel a bit nervous here and I want that I should not be tripped. I want you specially, Sir, to be kind to me. I am a very patient man and a very good-tempered man. (Laughter.) But if you touch me in the wrong way and interrupt me, I rather lose my balance of mind. I am not a lawyer like the Leader of the House. I am not like the Leader of the Opposition, another very eminent lawyer, nor like my own chief, Mr. Jinnah, another very eminent lawyer. I am a common layman. I have a great respect for lawyers though I hate their profession; and I have seen the Court sitting on them and the other side trying to trip them but somehow or other they generally come out all right. If I am interrupted or if I am snubbed by you, Sir, then my brain will refuse to work. (Laughter.)

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I want to confess another thing that if they treat me like this I am liable to flare up and use unparliamentary language very much against my wishes: I will do my best not to give you a chance, Sir, and, therefore, I hope you will bear with me: I am not very long-winded and I will close very quickly. I want to touch your hearts. I have not come here to place anything before you in a growling or grumbling spirit in putting my case. I have come here today for peace. My record is known to everybody in the House: the Honourable the Home Member must have rooms full of my past record and of my brother's record. I have been a rebel and an outlaw before; but today I have come for peace. Probably my friends (pointing to the Congress Group) may criticise me: but I expect kindness of judgment from them as they want me "to walk into their parlour". I have no objection as long as they fulfil the conditions I want. I have come, as I say, as a peacemaker, with the intention of being a co-operator. I am co-operating with this Government and I want to appeal to their conscience. I will speak God's truth before them. Whether they accept it or not the responsibility will be theirs. As you all know, my brother Mohammad Ali, was a rebel and an outlaw: he was in a dying condition and he was a Muslim—he believed in Islam first, Islam next and Islam last and nothing else; and yet in response to a Christian Viceroy here who practically assured him that there was a change of heart in the British people, in his dying condition, took his wife and his elder brother who had never been to Europe for the sake of peace and he died in London and was buried in Jerusalem; and he did his duty. Now I am going to carry it on as far as it lies in my power. If the other side (pointing to the Government Benches) do not want me to co-operate or refuse all our efforts for ever—God forbid the day—then I will be a rebel and an outlaw again. I am not suffering from fatty degeneration and I have got a big heart. A wonderful opportunity has come: it is a most critical period in the history of India and I, as a humble worker in the cause of peace, will move every fibre in this big body of mine for the sake of peace and I shall intercede every time so that this struggle, these quarrels and fights may disappear so that India may again become peaceful. I may be representing nobody but myself, but I have learnt something: I may now belong to a demoralised people: but, as a Muslim, I ruled in this country for nine hundred years: I made India my home; and when we forgot God's laws, God forgot us and I became a subject race to people who came in as box-wallahs and traders. I have learnt something from the British. I appreciate Dickens as much as an Englishman: I have learnt their national game of cricket and I have played it and in my younger days any county would have jumped to take me: and next to my mother I owe most to the Englishman who was my tutor at Aligarh. My brother Mohammad Ali had a very soft corner in his heart for Oxford and for English people and yet, we were declared rebels and outlaws. When the debate about Mr. Sarat Bose was going on I was tempted to speak; but I determined that in the month of January I was not going to open my mouth; and I was very sorry that the Leader of the House made a speech that left a very bad taste in my mouth: I felt that when outlaws like my brother and myself could become peacemakers, so could Mr. Bose and his brother Subash Bose; and I think you ought to make every effort to win back these people. Why not? He has not been bitten by a mad dog. Mr. Sarat Bose is as eminent a lawyer as any one in this House, if the reports that have reached me are correct. He had his reasons. Why did

I want to be a rebel and an outlaw? Because when the question came in when I had to choose between my faith and honour on one side, between the King of Kings—my Maker—and my duty to temporary sovereign. I stood by my God and faith and became a rebel and an outlaw. (Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not take note of interruptions.

Maulana Shaukat Ali: Sir, I am a hardened sinner and no one will get much change out of me. I may not use very parliamentary language, but I can answer everybody. I remember very well the first day when I went to the Round Table Conference: my brother was confined to his bed and he gave me certain names of English people, very eminent men from different parties, to see. I saw men in the Conservative Party, I saw men in the Labour and Liberal Parties and I saw people who were in no party, and I could see that the English nation desired and recognised that India had passed the stage of being treated as a minor or a ward and the time had come when the system of government should be changed. They were nervous: they were told that the experiment was a wonderfully huge big thing and they did not know how it would end: but I saw them and told them to act as sportsmen: I told them that big empires and little minds do not go well together: that they should take courage and trust the future. They should get rid of this jealousy and treat us with liberality, generosity and kindness; and if they did their duty by India, India will prolong the greatness of the Empire for a good many years to come,—more than any legislation or any ordinances or any rule of compulsion could. I think they were influenced. And all honour to the Indian Princes, from A to R—from their Highnesses of Alwar, Baroda, Bhopal, Bikaner, Patiala, Dholpur, Jam Sahib to Rewa and others. It was expected that they would speak against British Indians; but all of them got up and said: "We want British India to get as much freedom as possible: we wish it and we want to come into this Federation on an honourable understanding, so that, we will not interfere with their rights and they will not interfere with ours." As far as I am concerned I do not mind telling this House what the late Lokamanya Tilak said in Lucknow when I was in internment in Chhindwara—in Mr. Aney's province,—the Central Provinces. And I want my brother, Bhai Parmanand, to remember this also. Tilak said: "For the sake of India, you cannot give too much to the Muslims." I say, in the name of India, you cannot give too much to the Princes. For God's sake, get them in and do not be afraid of them. People say that because there will be no official bloc hereafter, the Princes are going to be the new bloc. I say that blood is thicker than water. I am a British subject. I have been born in an Indian State: my brother was a collector in another State and my other relations are serving in other Indian States. I know Indian States very well. Treat them better. Courage and patriotism is not the monopoly of my friends here. The Indian Princes feel as strongly on Indian questions as anybody else. I say, that the day they come into the Federation will be a great day for India, because they will bring with them a message of solid work and power which they have been using. I was born in Rampur State: I was exiled for sixteen years from home and never saw my father's grave or prayed at my wife's. I have suffered more than anybody else in this House; and yet I know, behind my back, the officials and the Governor of my province wanted that I should stop the Khilafat agitation and so used my Prince against me. I had to be exiled, yet he actually gave me all the help I needed for myself and my

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family. Sir, I assure the House that if you get Dominion Status or whatever status it may be in British India, within three months, Indian Princes will give their subjects all the advance that you needed. After all, they are our own brethren. It is said that they are wasting money which they get from their own people. If they spend money, it is on their own people and in their own country. Even in love affairs they spend mostly in India. (Laughter.)

Mr. Lalchand Navalrai: What do they do when they go to England?

Maulana Shaukat Ali: My friend asks me what do they do when they go to England. I know what we all do when we go to England. (Laughter.) What do we do? We all know something of it. It is time for me, with my grey beard, to forget what we all do when we go to England. I know all about the night life of London, I know all about the night life of Paris. (Laughter.) There is no use in asking me what do they do when they go to England, because I know everything, and I have reached a stage when I ought to be thinking of my grave. Now, Sir, give the Princes a chance, trust the Indian Princes, and you will see that within a short time miracles will be worked.

Sir, I have got a concrete proposal to make to the House. I have not put forward any amendment of my own, but I am merely making a suggestion for the consideration of both sides of the House, and I want my chief (pointing to Mr. Jinnah) over there, to give this matter his very careful consideration. I have thought over the whole question for a long time. I did not want to speak today, and therefore, I did not prepare a speech. Even if I had prepared a speech, I am such a wonderful animal that I would have forgotten it. Sir, I have a concrete proposal to make, and it is this. Instead of wordy warfare, instead of mutual bickerings, instead of thinking of the numerous suggestions from Churchills, Page-Crofts, Craddockes and O'Dwyers, people who have eaten India's salt and proved untrue to their salt by making all kinds of reactionary and revolutionary proposals, I suggest that you should declare a truce for ten years. Is it not possible for you with the strong army you have on your side to declare a truce for ten years? I assure you, Sir, that if a truce is declared for ten years, I will show you my capacity for administration. I shall show to my English friends what we are capable of when you put power in my hands. It will not be my duty to throttle my neighbour, Sir Darcy Lindsay, when I get power in my hands, I am not going to massacre every one of my English friends,—nothing of the kind,—but in ten years' time I shall prove to you and to the world my capacity for work and you, in the meantime, win our confidence, friendship and goodwill. If you accept my suggestion, both England and India will gain immensely, both the English and Indian people could be happy, prosperous and contented.

My brother, the Leader of the Opposition, an eminent lawyer as he is, made a very conciliatory speech this morning, and I congratulate him, Sir, through you, on his achievement. I cannot use better language, for I have forgotten my grammar, and even what little grammar I knew, at school was defective; so I speak in crude language, but I speak God's truth and God's truth only without any reservation in my heart. I speak whatever I feel sincerely in my heart. Sir, I suggest that Government should declare a truce. They should come here with one small sheet of paper, invite two Hindus, two Muslims, one Sikh, one Parsee, one Indian

Christian and two English officials. They should all sit together for 24 hours, discuss the whole question in an amicable and friendly spirit and arrive at some concrete settlement, but it would be the duty of Englishmen to see that they don't throw any red herrings or sardines *en route*. (Laughter.) We must find out what the people of India want, what the people of this country desire, and then the Government must communicate our views to the Government in England. Then there is a sure chance of lasting peace, and if England is wise, if there is any wisdom left in her, if she has any courage left in the great English nation, they will come to terms with India and satisfy the legitimate aspirations of this country. Otherwise you can proceed in your own way. Sir, I have got a vision. I am not a lawyer, I am not a clever man, I am not bound by section 144, I do not know law, and I say that I do not believe in your constitution, I believe in my constitution—my right arm and my stout heart. (Laughter.) If you want to force down the throats of India this Constitution against the wishes of the people, then there will be nothing but a revolution. I am no more non-violent. I have worked and courted death for my country; they wanted to give a life sentence, but I think I served for only two years,—I was interned for 4 years under the Defence of India Act and then under Regulation III of 1818. I do not suppose that anybody else has got that record here. They wanted to send me to prison for 14 years—for life, but they did not do it. Well, Sir, I am not afraid of the future. I have come here for peace, and I will do my utmost to try and induce both sides to win each other's esteem with each other's goodwill. That way lies happiness for India. Sir, with these words, I make my position clear.

Bhai Parma Nand: Sir, it is a misfortune of mine that I have to stand before this House to disagree with both the Leader of the Opposition as well as the Leader of the House. I have listened with all the deference that is due to the Leader of the Opposition, and heard him with all the patience that I have, but all the same I could not help calling into question the statement that was made by the Honourable the Leader of the House when he said that the Congress policy was the only reasonable policy that should be accepted with regard to Communal Award.

The Honourable Sir Nripendra Sircar: May I correct my friend, Sir? I never said that.

Bhai Parma Nand: Sir, I meant the Leader of the Opposition.

The Honourable Sir Nripendra Sircar: I said that their policy was un-intelligible.

Bhai Parma Nand: I did not mean you, I meant the Leader of the Opposition. Now, Sir, my friend, the Leader of the Opposition, said that we should take out religion altogether from politics, and that religion is a matter between man and his God. Basing his argument on this assumption, he went on to tell us that we should not introduce any communal matter into this debate. Further on he told us that for us it was a question of acquisition and distribution was to be made after we had acquired our rights. So far as my friend's argument goes, I entirely agree with him,—and although I am guilty of proposing this

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amendment, I still believe that I have no disagreement with him when he says that religion should be kept apart and we should not introduce any religious matter into this discussion, particularly when there are involved political and economic questions that concern vitally the interests of this country. Sir, in spite of that, I want to put it to him, who is responsible for this demand of distribution first before any acquisition? I think I would not be far wrong if I say that either it is the Government that has created a desire in our brethren or it is our brethren themselves who are anxious to get their rights distributed to them before we have acquired any political rights in this country. Ever since that demand was made in 1906 or 1907 by a Muslim deputation before Lord Minto, we have been getting demands after demands for separate rights. Taking this view, I think that if these demands are made too much of, and I stand to oppose these demands, then, surely, you cannot blame me as being communal. You can tell me I am opposing this communal spirit so far as the question of the future of the country goes, but you cannot dub me as being communal, as I am not at all putting forth any demand on communal grounds. Therefore, I think, if the Leader of the Opposition and his followers had taken the right view of the situation, they would have opposed and rejected the Communal Award absolutely. They, however, lacked courage and have shown a weakness in not condemning it from their own or truly national point of view as they had condemned it in their private views, in their speeches and even in their resolutions. With this difference with my Honourable friend I now turn to the amendment that I have moved before the House. I have confined the amendment to the question of the Communal Award, but that does not mean that I do not see any other flaws in the Joint Parliamentary Committee Report. In my view, however, this Communal Award is the blackest spot in the whole of the Report. There are safeguards no doubt, but, I think, this is the worst safeguard, and if we have to condemn other safeguards, we should also condemn this safeguard in the same spirit. There are certain points that are raised in justification of the view that the Communal Award is the best solution under the circumstances. In the first place, it is said that this communal settlement was most essential before building up any constitution for this country. I contest that statement. I do not believe that any kind of mutual settlement of the communal question was needed for the superstructure of the constitution for this country. If the framing of the constitution could have been made a matter for the people themselves to decide, then surely it was their duty to have this question settled amongst ourselves. But if the whole constitution, for the future of the country, could be taken in hand by the British Government themselves, then I do not see how it was necessary for us to arrive at a settlement amongst ourselves. The Government are the boss, they are the masters, they have been ruling us all along without any consent of ours, even now they are framing a constitution which does not require our consent, and when they are doing that, I do not see why they should come and create this apple of discord among us and tell us, "You settle among yourselves". This was nothing but an apple of discord among the communities so that they might not come to any agreement and this difficulty might be trotted out for the Government becoming the arbitrators. In fact it is the chief complaint of my Honourable friends sitting on these Benches that they have not been given the right of self-government and self-determination for this country. Their position is,

that the constitution of this country should be made by the people of India themselves and not by an outside authority. If the British Government had agreed to the principle of self-determination and allowed this right to the people, as they proposed by means of some constituent assembly—then it was for the people to solve the question, but as the framing of the constitution was completely in the hands of the Government and the right had not been conceded to the Indians, it was for the Government to settle the matter as they thought just and proper. We know that there were precedents towards which they could look. There are minorities in several European countries and Europe was confronted with this problem. The League of Nations took up this question and laid down certain rules after a great deal of investigation in the matter. If the British Government wanted to follow general principles, they could have taken guidance from the decisions of the Minorities Sub-Committees of the League of Nations. They could have done it without referring this matter at all to the various communities in this country. This is my view as regards the point that there could be no constitution without communal settlement.

Another argument that is put forth is that as the Hindus and Mussalmans could not agree amongst themselves, therefore, this Award was forced upon the Prime Minister and he had to give it. I have got serious objections to this argument. It is not right to say that the Award was forced on the Prime Minister. An agreement had existed long before that, which is known as the Lucknow Pact. If the Prime Minister wanted to leave this question to the communities, he could have used the Lucknow Pact for the purpose of building up a new constitution. And even supposing that the Mussalman community did not care for the Pact, they could have built up the constitution on its basis and then left the communal matter to be settled at any future time by the Hindus and Mussalmans themselves. But this was not done. There is another point which I have pressed very often and I want to repeat it again here. The Simon Commission was sent over to this country to investigate on the spot. They spent many months on this investigation. They toured throughout the country in all the provinces and submitted a report. This report is practically taken as an authority by the Joint Parliamentary Committee. The Joint Parliamentary Committee have been following the lead of the report of the Simon Commission. This report definitely lays down that it was not possible for the Hindus and the Mussalmans to come to any agreement and that they did not find any possibility of it, therefore, they took it upon themselves to recommend a solution of this problem which they did. My point is that this Statutory Commission was appointed by the Parliament with His Majesty's permission and I do not see any reason why, while on all other points the Simon Commission's report is taken as an authority by the Joint Parliamentary Committee, the same should be ignored altogether where it concerns the main problem of the Hindus and Mussalmans in this country.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Because that is not workable.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has two minutes more.

Bhai Parma Nand: If I am not allowed to speak, then I can sit down I shall take some more time before I finish my arguments, and I think I am the only man to speak on this subject. I do not know if anybody else will take up this matter, though there will be many who would oppose me.

Mr. President (The Honourable Sir Abdur Rahim): The House has agreed to the time being limited to fifteen minutes per speaker, except in some special cases.

Bhai Parma Nand: The Leader of the Opposition got more than one hour. I may say, Sir, that I am alone in my amendment and that I must have an opportunity to represent my case.

Mr. President (The Honourable Sir Abdur Rahim): There are many other Honourable Members who have got notice of amendments.

Bhai Parma Nand: They have not moved their amendments.

The next question is, whether this can be called an Award. I want to refer the whole matter to the Leader of the House himself. He is a lawyer of very great eminence, not only in Bengal, but in the whole of India. I quote from his book:

"It has been sometimes contended that the communal decision is in the nature of an arbitral award. I venture to submit that it is incorrect and I place before the members of the Joint Committee the following facts for their consideration."

Mr. President (The Honourable Sir Abdur Rahim): I give the Honourable Member five minutes more.

Bhai Parma Nand: This is what Sir N. N. Sircar said. He was not the Law Member then:

"The proceedings of the Delhi Consultative Committee show that the members of the Committee did not agree to arbitration. The Muslim delegates made it absolutely clear that they would claim to challenge the decision and they were not agreeing to any arbitration. There was no Bengal Hindu on the Committee and no reference was made at any time to anybody in Bengal for inquiring whether the Prime Minister or the British Government should be asked to settle the dispute."

My point is that when an Award is to be given, it could only be between two parties when disputing over certain matters. There was a question in the First Round Table Conference about the allocation of seats in the Punjab Legislative Council. The dispute was with regard to one seat and that alone was made an excuse for issuing this Award. Nobody ever thought about Bengal. Sir P. C. Mitter himself said:

"I may mention that although I am the sole Hindu representative from Bengal on the Minorities sub-committee, I was never asked by the Muslim Delegation to discuss the Bengal Communal question with them; I may add that I tried to convey the information that I was quite willing to discuss the matter."

Mr. A. H. Ghuznavi: I will quote his opinion.

Bhai Parma Nand: You can do it.

There was a dispute about the Punjab. The arbitrator could, if referred to, give a decision about the Punjab, but it was not his business to bring in Bengal. Again, two months passed and there was the Allahabad Unity Conference which was arranged by Maulana Shaikat Ali and Pandit Madan Mohan Malaviya. In that Unity Conference, the Muhammadans and the Hindus had come to an agreement by allotting 32 per cent. to the Muslims at the Centre and what do we find? Two days after, another sub-award. The first was the Communal Award. In spite of the agreement this sub-award gave 33·3 per cent. to the Muslims and unconditional separation of Sind. Therefore, I say, this cannot be a real Award as is so often claimed by my Honourable friend, the Leader of the Independent Party and certain other persons.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Do you think that the Communal Award is more in favour of the Mussalmans than the Allahabad decision?

Bhai Parma Nand: Certainly I do. That is what I have been claiming. As soon as the Award was announced I made a protest in this very House. At that time my voice was low and it seemed nobody would hear it, but immediately after this last Assembly was dissolved, this was made a live issue at the election, at least in three provinces. We find the Hindus of those provinces have given their definite verdict on this question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exhausted the additional five minutes.

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

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Lalchand Navalrai: Sir, it is in the fitness of things that I should have to speak after Bhai Parma Nand has done. Sir, let me assure him that he does not stand here alone in condemnation of the Communal Award. There are many more to join me in this House, and, I should think, that the opinion of the Hindus of all very important provinces is against this Award.

An Honourable Member: Question.

Mr. Lalchand Navalrai: You may question it, but ask the Bengal Hindus, ask the Punjab Hindus, ask the Hindus of Sind and ask the Sikhs. Sir, you cannot lightly treat the Hindus of those provinces who do not want this Award. I will revert to this matter hereafter.

Sir, the amendment I have proposed has three reasons for the condemnation of the Joint Parliamentary Committee Report. The first is on account of the recommendation made by the Joint Parliamentary Committee which is now incorporated into the Bill itself and that is with regard to the separation of Sind from the Bombay Presidency. Sir, the question of the separation of Sind is now known to everybody. It is well-known to the British people as well and it is well-known to those

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who sought this separation of Sind in England behind the back of the party concerned—the Hindus of Sind. To go into details and to show that it is wholly unjust and inequitable to separate Sind would take time which will be beyond the time-limit fixed for discussion. Sir, the first objection in favour of my proposition is that Sind should not be separated while the cultured and civilized portion of the population in Sind is absolutely against it. That would be against their desire and against the very cogent grounds that they have placed before the public as well as before the Government. Sir, it is against the very fundamental principle that no one should be condemned unheard. What have been the circumstances here? When this question arose, the Hindus of Sind protested and protested very loudly (*An Honourable Member*: “Where?”), but the Government would not even agree to allow one or two representatives of theirs to be on the Round Table Conferences or to give them an opportunity to put their case through their representatives. Sir, this is being questioned, but may I say a little louder that it has no foundation in it. We know this full well and documentary proof can be given for it that at the very first Round Table Conference no representative of the Hindus of Sind was there, and none at the subsequent ones. I think it is futile to question that. Then what were the circumstances prior to that? The circumstances prior to that were that Sind was not asked by the Muhammadans of Sind to be separated. Perfect cordiality existed between the Muhammadans of Sind and the Hindus of Sind and they never wanted to see that there should be any gulf between them. The first committee that met with regard to the separation of Sind was a Sub-Committee of the Simon Commission which sat in Bombay and it was there, that the representatives of Sind, I mean the Muhammadans who were there, with one exception only, all rejected the separation of Sind, and this cannot possibly be doubted. Then after that, what was the view of the Government of Bombay? I may say with confidence that they have been absolutely against the separation of Sind and I even think that if they were allowed at this time to have their own way, they would even now say that the separation of Sind would be suicidal to the interests of the country.

An Honourable Member: Question.

Mr. Lalchand Navalrai: Question or no question, but see what happened next? Subsequent to that, the Round Table Conference sat and there being no Hindu from Sind, Sir Phiroze Sethna who was there actually pleaded the cause in the sense that he asked that if Sind had not finances enough why should it be separated? It was not just to separate it. I need not refer to the debate at that time but the Chairman of the Committee at that time said this. The reply came from the Chairman, Earl Russell, and it was, “I may tell you, in view of the last word in which Mr. Jinnah accepted the recommendation of the Sub-Committee that if Sind cannot show that it can stand successfully on its own legs, the separation does not take place”. This was the positive decision that was given at that time and be it said to the credit of my Honourable friend, Mr. Jinnah, that what he did say was that Sind should not be separated if it had not finances of its own to stand on its own legs. Then what happened after that? Is it not wrong, is it not unjust, is it not, I ask, against all principles to go back upon that decision and

say, “we want separation of Sind with the help of a subvention from the country”? Is there any justice in that? The point I urge is that at the first Round Table Conference it was only this that was decided even though, of course, there were many other reasons, economical and administrative—but they at least decided that Sind should not be separated if it had not its own resources. Then what are the circumstances now? The circumstances now are that two Committees sat one after the other; an expert Committee, in order to find out whether Sind could stand on its own legs, and then another Committee called the Brayne Committee. The first Committee was of opinion that it was the barrage upon which Sind finances would depend and that Sind could not be carried on very well on the barrage. They put it in plain words, by calculations, which went to show that the barrage would have only about 24 lakhs saving in 1963. Now, up to that time, there would have to be some other way of finding the finances to carry on Sind. The point is that if for so many years Government is going to pay from the finances of other provinces and carry on the administration of Sind, where is the justice in it I ask? Now, on this point I would further say that the circumstances now have been still worse. The barrage has been worked for some time and what has been the result? The position is that the barrage is not productive and the scheme is not going to be a successful one. An incident happened only very recently when His Excellency the Governor of Bombay arrived in Sind and then the Muhammadan zamindars, and also some of the Hindu zamindars, told him that they were not able to get sufficient and adequate water from the barrage. The position there is that so far as the water of the barrage is concerned they care more for the new lands than they care for the old ones. The result is that people are crying that they do not get sufficient water. Now, what have they done? They have made certain modules in the canals and because of them agriculturists are not able to get sufficient water. Therefore, they crave for some remissions. I do not know how the finances will be supplied. I know this that when this point was to be considered by the several provinces, the Government of Bengal put it very plainly that they were not going to give any subvention for the separation of Sind. (*A Voice*: “Was it the Government of Bengal?”) Yes, it was the Government of Bengal. May I say it still louder? Therefore, to separate Sind and then to go with a begging bowl to other provinces and ask for money to carry on its administration is absolutely wrong both in principle and for other reasons. Sir, I have got very little time otherwise I would put the whole case in detail but it is not possible for me to do so now. This matter was debated when the White Paper was discussed in this House and I then gave my reasons against the separation of Sind and I submit that it is not necessary for me to repeat those reasons on the present occasion. At any rate, they are to be found on page 2920 of Vol. IV of 1933 debates.

Now, Sir, I will come to the second question on which my condemnation for this. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. Lalchand Navalrai: I will try to finish my remarks within two minutes or perhaps I might take one minute more if you are pleased to give it to me.

[Mr. Lalchand Navalrai.]

Now, with regard to the Award, I submit that we should not mince matters. We should not say that we are not rejecting it nor accepting it. This is an attitude of vacillation; this is an attitude of indecision; and I submit that I would not be a party to it. I have not minced matters in my amendment. I have said that this Award is such that we cannot possibly accept it. It is not a document which can be called an Award. An Award is always given on an arbitration where all parties agree to. In this case all parties did not agree and the Government took it upon itself to decide for us all. But they had to decide even otherwise, because the whole Constitution, as Bhai Parma Nand very pertinently put it, was to be made by them. But why should they leave only this question to be decided by us? It only means one thing and that is that they wanted to divide us on that point. Divide and rule has always been their policy. Sir, even the Muhammadan friends of mine are not enamoured of this Award. There was a gentleman who said, a while ago, while Bhai Parma Nand was speaking, that the Award has not given more to the Muhammadans. If it is so, then can't we find some other way? We can. But the third Party would not allow us to do it. Sir, when we met at the Allahabad Unity Conference a formula was actually found and it was only the next day or on the third day that Mr. Abdul Majid who had actually been taking a prominent part backed out. So, what I say is that the question of this Award be thrown away and to arrive at another alternative proposition is not a difficult proposition. But I submit that this Award cannot possibly be considered without the whole Constitution. Sir, the Constitution is such as is expressed in my words of the amendment: in fact, it does not give much but has taken away much. It does not give to us even what we have under the present Constitution. We are hedged in from all sides by certain safeguards. First of all, with regard to the army, what control have we got? In fact, our control has become even lesser than what it is now. Then with regard to the railways. The Statutory Board has given us only slight powers here and there over their policy. Then come to the Reserve Bank. They have taken away the control over finances because it will be the Board of the Reserve Bank which will deal with the finances. Then come to the commerce and industry. What do we find there? Certain agreements have been gone into and certain Pacts have been decided upon and then they say: "Now you have a Constitution, work it out". Is that the way to give a Constitution?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Mr. Lalchand Navalrai: Sir, then, I have finished.

Sir Leslie Hudson (Bombay: European): Sir, the Joint Select Committee Report is not something which has been suddenly conceived by the present National Government. The Report and the new Government of India Bill are the culmination of a series of enquiries extending over a period of eight years—from the Muddiman Committee to the Joint Select Committee of Parliament. These enquiries resulted in the emergence of a general scheme which envisages a Federation of India, consisting of self-governing Provinces and autonomous States, with a Federal Legislature in which the Ministry is responsible.

The general outlines of this scheme received the support, not only of all parties in Great Britain, but also, of representatives of British India and Indian States.

Mr. M. A. Jinnah: No.

Sir Leslie Hudson: I said representatives: I did not say all representatives. The scheme is subject to certain reservations which are either inevitable at the present stage of India's development, or the result of political events in India in recent years, or necessary to safeguard the powers of the Executive, should the Constitution breakdown at any one or more points.

In that series of enquiries, the European community through its representatives co-operated to the best of its ability. The work of its delegates at successive Round Table Conferences, and on the Indian delegation to the Joint Select Committee have been appreciated by Indians of all classes of thought, and our community is proud of the contribution which they have made. As the scheme of Federation with Central responsibility emerged from the discussions, we gave it our general support, though not without some hesitation and considerable misgivings in various quarters. But in approving the general principles of the scheme, we have been particularly concerned with certain aspects. We have stressed the importance of ensuring the stability of the new Governments, the continuity and security of the services who carry on the administration, and whose authority and rights must be safeguarded, whether they be Indian or British; the independence of the Judiciary; the safeguarding of our own community and interests from unfair discrimination; and the solvency of the Provinces and the Federation.

On many of these points we have had the active support of many of our Indian friends, and I should like to express our appreciation to them for the large measure of agreement which was reached at the various Round Table Conferences in regard to the justice of our demand for protection against unfair commercial discrimination. During this long drawn-out process our community has never opposed India's progress towards the ultimate goal of self-government within the Empire. We may have differed as to the method and the time by which that goal should be reached; but we have recognized from the beginning the implications of the Declaration of 1919, and the successive statements as to the ultimate aim of the policy of His Majesty's Government; and we are willing to co-operate to the utmost extent in making the proposals of Parliament a real advance in responsibility and transfer of power.

We recognize the widespread resentment in the country that there is no declaration either in the Joint Select Committee Report, or in the new Government of India Bill, re-affirming the statements made by His Majesty's responsible Ministers, as to India's ultimate goal. There is justification for that feeling. We realise that Parliament could not agree to the use of the fated words "Dominion Status" in Statute. It is a phrase whose legal implications are still in doubt, and it has not yet appeared in any measure passed by Parliament. But we do hope that His Majesty's Government will find some method—whether in Statute or not—of giving an unequivocal and authoritative assurance that their present proposals are intended to lead India towards a position of equal partnership with the other Dominions within the Empire.

[Sir Leslie Hudson.]

Each party in India has concentrated on the extent to which the proposals of His Majesty's Government have fallen short of both desire and anticipation. Each community, each section of political opinion, has its own criticisms to make as to the methods proposed or the amount of power to be transferred. It is significant to notice that in most of the Provincial Legislatures, where some responsibility has been experienced, criticisms have been constructive and restrained. Apprehensions have been expressed as to the future by minority communities, but there has not been any instance as yet of any categorical statement either of unwillingness or of inability to work the Reforms for what they are worth, in the hope that through developing responsibility further progress may be made. In fact if the new proposals were each examined separately, it would be found that there are probably very few, if any, that would not be approved by a considerable majority of public opinion. The position in Great Britain is well-known. It is no use ignoring it, for it is neither politic, nor in the interests of India to do so. It cannot be denied that Parliament has a real responsibility for the peoples of India, and that it cannot hand over that responsibility completely until it has been shown that the Constitution now proposed will work for the well-being of the country. The ultimate responsibility of Parliament is an inescapable fact to which people in India should not shut their eyes.

Another essential fact is, that the proposals of the Joint Select Committee mean a tremendous advance upon the present position. To deny this is to not only deceive oneself, but also to deceive the people. In Provinces, given *esprit de corps*, party loyalties, and a softening of communal rivalries, the scheme should work out as a real responsible government, the reservations and safeguards remaining unused. Internal dissensions and communal animosities, if they continue, are bound, as in any country, to strengthen the power of the Executive, and play into the hands of the Governor. Little attention has been paid to the importance of the changes proposed particularly in the Provinces, not only in the constitutional sphere, but also what is very important, in the administrative sphere. Anyone with experience of administration will appreciate that the proposals for Provincial Autonomy will mean a total reorganization of the present administrative system. It will in fact bring about a revolution in the administration. Is it no advance to have all departments—finance, law and order—transferred statutorily to popular control?

Even at the Centre, where some form of diarchy is, in the nature of things, admittedly necessary, the responsibility given is real? It is perhaps interesting to reflect that if the debate in this House last week, on the Indo-British Trade Agreement, had taken place under conditions laid down by the Joint Select Committee Report, it would have been a debate on an Agreement signed by a Commerce Minister responsible to the Legislature. Can it then be said that there is no advance? To say so is a misrepresentation of the position. It is urged that the safeguards and reservations render this advance nugatory. That shows the weakness of the attack. Given unity, co-operation and some form of party-system, the responsibility will be real, and the safeguards will remain largely unused.

Before I turn to certain points, which we wish to emphasize, in connection with the general scheme, I desire to say a word on what are commonly called the safeguarding proposals of the Report, relating to

unfair discrimination. These have been widely criticised, even by those who were prepared to meet us to some extent, at the Round Table Conferences. It must be remembered that in pursuance of the general agreement at the Round Table Conference that there should be no discrimination against the British commercial community in India, the Associated Chambers of Commerce put forward proposals for a Convention regulating trading rights between Great Britain and India on a reciprocal basis, to be negotiated between the two countries and incorporated as a schedule in the new Act. This, however, was not found to be practicable, and, therefore, we had to rely upon the provisions in the Constitution Act itself for securing our position under the Federation. We believe that these provisions are essential and our approval to the proposed reforms has always been based on the assumption that the safeguards for fair trading will be both adequate and effective. We have demanded no greater measure of security for fair treatment than is dictated by ordinary business prudence.

The Honourable the Leader of the Opposition made an appeal to us. I would remind him that it is not of our choosing that we have been forced to demand these safeguards. If the unhappy history of recent years, in which the Party to which the Honourable Member belongs, played a prominent part, had not happened, if there had not been boycott, threats of coercion and expropriation, and all kinds of penal actions, things would have been different. But I do not wish to emphasize these unhappy memories.

I would reiterate, however, what has been said by leaders of the European community on more than one occasion, namely, that we wish to live and carry on our business with the co-operation and good-will of our fellow citizens in India. There is, in our view, no reason why, if this desire is responded to by our Indian friends in a spirit of accommodation, the safeguarding provisions should ever be called into operation. As far as we are concerned, we look upon them as a measure of protection and not as a means of securing any advantage to which we are not entitled.

I have already said that we have given our general support to the ideal of Federation, as we believe that it is the only method by which responsible Government at the Centre is practicable. We appreciate the natural apprehensions of the Princes in viewing the future, and these apprehensions are not likely to be lessened on the one hand, by certain expression of opinions in British India, and on the other hand, by the sustained campaign of hysteria and mis-representation which is being carried on, against all the ordinary canons of decency and responsibility, by certain political groups in Great Britain. But we hope that the Princes will, without undue delay, and provided their Treaty and other rights are fully safeguarded in the Instrument of Accession, decide to enter and enrich the Federation, with their varied traditions of Government and administration and their magnificent loyalty to the Crown. Thus, the unity of India, which has been promoted by the stabilizing influence of Britain, may be consolidated in permanent form.

In giving expression to our general support of the scheme, it must not be understood that we are satisfied with regard to every proposal. We have already submitted to the appropriate quarter considered criticisms on various points. This is not the place to refer to these in full detail,

[Sir Leslie Hudson.]

and I shall content myself with making a few observations on some of the more important features in connection with which we have offered criticisms, or expressed doubts or apprehensions.

There is wide-spread objection to the proposal to substitute indirect for direct election to the Federal Legislature. At the Round Table Conference our representatives expressed themselves at first in favour of indirect election, but on hearing the views of our Indian colleagues, and realising the strength of their sentiment and arguments, they withdrew their objection to the direct system. Now the majority of the Joint Select Committee have supported indirect election, and this is a matter on which there is difference of opinion within the European community itself. We accept the view of the Committee, however, as the arguments advanced are very weighty. Moreover, there is the fact that, as mentioned in the Report, in view of the important arguments advanced for either method, it was thought advisable to make the experiment of indirect election now. If experience proved that it did not work, a change to direct election could be made later. If, however, the present system of direct election were continued now and were found to be unsatisfactory, it would in future be difficult, if not impossible, to change to the indirect system. Provision is accordingly made for revision after a suitable period.

One matter on which we have definite criticisms to offer is in connection with the administration of justice in the High Courts, and in the Courts subordinate to these High Courts. We feel that the independence and freedom of the High Courts from political influences and pressure is a matter of supreme importance. The recommendations of the Joint Select Committee Report are based upon the grounds that the High Courts are essentially Provincial institutions, and that the financial adjustments, which would be involved in any attempt to centralize the administration and finances of the High Courts, would be of a complicated nature. We, however, claim, as indeed we claimed in our evidence before the Joint Select Committee, and as the Simon Commission itself recommended, that the administrative control of the High Courts should be with the Federal Government rather than with Provincial Governments, since it is essential that *vis-a-vis* the latter, the High Courts should be completely independent. We, therefore, wish to continue to press for this modification, subject of course to the same safeguards as are now proposed by the Report, *viz.*, that the budget of the High Courts should be non-votable. There is constitutional precedent for this view, and it is also supported by a great majority of the legal profession, now practising in the Courts throughout India.—Indian as well as European. Indeed we claim that this suggestion is in the interest of India as a whole.

We have always placed great emphasis upon the financial implications of the new Constitution. Can India afford it? We have urged that as a pre-requisite to our support to the new Constitution, the finances both of the Provinces and of the Centre should be placed upon a solvent basis. The Report contemplates a financial enquiry: we trust it will be a comprehensive one, carried out by competent persons. We strongly urge the need for balanced budgets if Provincial Autonomy is to be a success; and upon the necessity of the Federal Budget being based on a normal trade balance, before the Federal Ministers are asked to assume responsibility of office. We do not believe it is fair to the new Ministers, either in

the Provinces or at the Centre, to place responsibilities on their shoulders, until the finances of the country have been placed on a sound and equitable basis. When I speak of a balanced budget, I do not mean a budget which is balanced as a result of emergency taxation. Any scheme of Constitutional Reform, if its finances are based upon abnormal and excessive taxation, is bound to find itself in difficulties before long. We hope and trust that conditions will very shortly restore our budget to normality, and that the emergency taxation of recent years will be a thing of the past. But we insist upon a thorough enquiry before we embark upon these new responsibilities. No Ministry in any Province which has a deficit balance at the inauguration of the Reforms has a chance of success. The experience of Bengal has taught us that insolvency means political instability; and political instability means the gradual surrender of real responsibility to the hands of the Executive. There is no fear of the Governors exercising their emergency powers when political conditions are reasonably stable. But when they are unstable, these emergency powers are bound to be called into action in the interests of the Province itself.

With regard to the proposed separation of Burma from India, the European Community in India and in Burma has deliberately refrained from expressing an opinion upon its political aspect. Our view is, however, that if separation is decided upon, it should not result in the imposition of extra taxation as a measure of budgetary expediency, to the detriment of industrial and commercial interests in both countries and to the hinderance of trade recovery. We believe, that an essential condition of separation should be the conclusion of a Trade Convention between the Government of India and the new Government of Burma, for a period of years, on the basis of the free trade relations which now exist between the two countries, subject, of course, to the substitution of equivalent import duties for existing excise duties. This period should not be so short as to cause unsettlement and apprehension. It should be long enough to give both parties sufficient time to consider their mutual interests without haste and in the friendliest spirit of co-operation. In this matter we have the support of many of our Indian friends, with whom we believe, that this condition is in the interest of both countries. When I speak of existing conditions I must be understood as including the thorny question of the immigration of Indians into Burma.

We view with considerable sympathy the claim of the Indian community in Burma to be protected from unfair discrimination in regard to their vital interests in that country, and we share their apprehensions regarding the proposals of the Joint Select Committee to give power to the new Burma Government to restrict their entry. We have sympathy too, with the special apprehensions of the Chettiar community, and we sincerely trust that His Majesty's Government will afford them the protection which their historical association with Burma and their great interests in that country justify.

We have closely studied, so far as we have been able, the various amendments to the Government Resolution.

We recognize that in varying forms they voice the opinions of many sections in this country. The amendments which deal with the rejection of the Report, and pray His Majesty's Government not to proceed with Legislation based on the proposals, appear to us to be based upon lack of appreciation of the actual position and an unwillingness to face facts.

[Sir Leslie Hudson.]

To talk of the proposals as being conceived in a spirit of Imperialist domination and exploitation, and to assert that they transfer no real power to the people of India, is, quite frankly, absurd. The proposals in the Report for the extension of the franchise in the Provinces from 7 millions to 35 millions, for the transfer of finance, law and order to popular control, for the establishment of responsibility at the Centre, in a wide variety of subjects, are alone a sufficient answer to that charge. As responsibility is intended, by the authors of the Report, to be real, so are the safeguards or reservations. To the extent to which parties in India can overcome communal and sectional differences, to that extent will the need for safeguards and their use disappear. The spirit and manner in which any Constitution is worked are far more important than the final provisions laid down in the Statute.

As far as the Resolutions condemning the Communal Award are concerned, it would be improper for me to offer any comment except that it is now and always has been open to modification on an agreed plan by the parties concerned. In the absence of any agreed plan, Mr. Jinnah's contention that it should be accepted seems the only practical and common-sense view to hold.

The amendments calling upon His Majesty's Government or the Governor General in Council to summon a Constituent Assembly, do not, in our view, offer any sure hope that the result of such Conference would, within a reasonable time, produce a scheme either agreed upon by all sections of opinion in India, or acceptable to His Majesty's Government.

In the third part of his amendment, Mr. Jinnah, after making constructive criticisms of the Provincial proposals, deliberately turns aside from the ideal of Federation. He urges the shorter and easier way of Federation of British India alone, and would postpone the All-India Federation to a future so distant as to mean almost indefinite postponement. Though the process of Federation may be difficult, we are convinced that the unity of India will be grievously endangered without a closer and more permanent constitutional relationship between the Indian States and British India. The Princes have expressed their willingness to enter a Federation of India, if the Federal Government is a responsible one. If Federation were confined to British India we should not be willing to agree to responsibility at the Centre for some of the reasons urged in the Joint Select Committee's Report. With all its difficulties, therefore, we prefer to pursue the wider vision of Federation with responsibility, believing that, taking a long view, it will be in the economic and political interests of the Indian Empire.

The joint amendment of Sir Cowasji Jehangir and Mr. Mody is of a totally different character. It accepts the broad outlines of Provincial Autonomy and Federation with responsibility, subject to safeguards, and urges the acceptance of the modifications suggested by the Joint Memorandum presented to the Joint Select Committee by the British Indian Delegation. Our representative on the Delegation from India did not sign that document, though he expressed himself in sympathy with the spirit of its recommendations. But we also appreciate the spirit of Mr. Mody's amendment, and I may venture the opinion, that if that had behind it the united voice of the country, it would carry the weight it deserves. On the other hand it is apparent that the Memorandum of the Indian Delegation did

receive the closest and most sympathetic consideration of the Joint Select Committee, and where its recommendations are not accepted, the arguments for that course are fully stated.

Mr. M. A. Jinnah: Is there anything accepted?

Sir Leslie Hudson: Finally we welcome the statement of the Right Honourable Mr. Srinivasa Sastri, that the Liberals intend to co-operate in working the new Constitution, although they regard it as unsatisfactory in many ways, and would have advised rejection if they considered such a course to be practicable. That is an attitude which we respect. It is in harmony with the late Mr. Gokhale's exhortation "not to go in pursuit of mere idle dreams and neglect the opportunities that the present offers to us". We believe that the opportunities now offered to India for the furtherance of her destiny are great, and we pledge our co-operation in helping to make responsible Government real, and to achieve for India a position of equal partnership within the Empire with other Dominions under the Crown.

Mr. A. K. Fazlul Huq: Sir, the Leader of the Opposition has made a very earnest appeal to the Muslim Members to join the Congress Party in rejecting the Report. If that appeal had proceeded from a lurking suspicion that the Muslims are less patriotic than any other Indian, I may tell him at once that he is greatly mistaken. If the condemnation of the Joint Parliamentary Committee Report is any test of patriotism, the Muslims have given proof of their patriotism in abundant measure. Even a conservative die-hard like my friend, Mr. Ghuznavi (Laughter), who may be called the Winston Churchill of this Assembly (Laughter), has condemned the Report in an unmistakable manner. We all realise that the Report is disappointing and unsatisfactory, that many of its recommendations are of a reactionary and retrograde character, that the limitations sought to be imposed on the powers of Ministers are of such a character as to stifle all growth of the principles of responsible Government, that the autocratic powers with which the Governors are proposed to be vested will render the transfer of power to the people almost illusory, and last, but not least, we realise that the introduction of Second Chambers and other devices will add to the burdens of an already expensive administration.

We all hear so much of the merits of British rule. We are not ungrateful: we realise and we recognise the merits of this rule; but this rule has got its demerits also. If the British rule has given to India what she never knew before, namely, unbroken peace, this rule has also given us what India never knew before, chronic poverty, a depleted treasury, shattered credit and the woe-begone countenances of millions of people, which show how this country has been bled white in keeping up an administration as costly as any known to any part of the globe in human history. (Opposition Cheers.)

Lieut.-Colonel Sir Henry Gidney (Nominated Non-official): Question.

Mr. A. K. Fazlul Huq: There is nothing in the Report to indicate,-- you may question,--Sir. . . .

Lieut.-Colonel Sir Henry Gidney: Again question, Sir.

Mr. A. K. Fuzlul Huq: Very well, time will show it. There is no indication in the Report to show that any attempt will be made to reduce the cost of administration. For my part, I would rather have no administration than have an administration the burden of which we are unable to bear. ("Hear, hear" from Opposition Benches.) Now, Sir, if this is the position, why do the Mussalmans support the much hated Communal Award? We all realise it is an evil, but I put it for the consideration of the House that it is also under present circumstances, a necessary evil. It is no use saying that the third party is striving to drive a wedge between us and that we cannot compose our differences. We cannot shut our eyes to the fact that these communal differences do exist, and it is a further unpleasant fact that these controversies have not yet been settled by mutual agreement. Now, Sir, I submit that where we agree to the extent of 99 per cent. in all these matters, it is no use rendering the position difficult by falling foul of the Communal Award or raking up the question of the separation of Sind. My friend opposite has said that Sind should not be separated and the administration of that province should not be carried on by borrowing on the resources of other provinces, but this has been going on for the last hundred years without any protest from other quarters. Bengal, for instance, has been bled white for the last century in order to balance the treasury, the credit, the budget of other provinces. What about the jute duty which the Government of India have been taking,—it is about 400 crores,—what about that vast sum they have been taking in order to balance their budget and give doles to other provinces? This is not the first time that the money of some provinces is being drawn upon to benefit the benefits of other provinces.

Now, Sir, coming to the Communal Award, we do not say it is a counsel of perfection. We, the Mussalmans, will be prepared to drop it this very moment if our friends can sit with us in conference and come to some sort of agreed settlement with us. ("Hear, hear" from some quarters.) We know their views very well; we understand their position very well. The Leader of the Opposition told the Europeans and the British Government this morning that they are wanting some safeguards, because the Government knows that the manner in which they have conducted the administration of this country for the last 150 years has been such that, once Indians get into power, there will be the old scores to be paid up, and, as a matter of fact, the British Government have failed to win the confidence of the Indian people. Now, Sir, if the Mussalmans or other minority communities want some sort of protection against universal and unrestricted democracy, it is because, and I say it with the utmost regret,—the majority community has up to now failed to win the confidence of the minority communities. You win our confidence just as the majority community won the confidence of the minority communities in Egypt. We will stand shoulder to shoulder with you, we will ignore everything else, we will even take a plunge into the unknown for the sake of our motherland, and there is no earthly power which can then withstand the united demand of a united India. Here and now you settle these differences, these controversies, we will then tear up the Report of the Joint Parliamentary Committee to pieces and throw those pieces to the four corners of the globe. But if that is not done, it is no use giving us advice from there and saying that we must

forget everything and that religion should not be introduced into politics. Religion does not enter into politics, but there are many factors which have got to be considered, and, therefore, Sir, I make an earnest appeal to the Leader of the Opposition and to the Congress Members whom I see before me. They may have forgotten that I was myself a Congress worker, and I have been a Congress worker for many long years. If I can tell them something of a personal character, I was one of the General Secretaries of the Indian National Congress, and, for some reason or other, I had to sever my connection with that institution. But my heart is still there, and I want to work for it, but the only thing that stands in my way is the lack of a proper solution of the much vexed communal controversy in this country. Let it be decided once for all, and then we, on our part, will be quite prepared to go to the utmost length that we possibly can, but we cannot ignore the united wishes of the community whom we have the honour to represent here. It is no use asking us to give up this thing or that, because our friends here know very well that the community whom we have come to represent here want us to put forward particular views. We are not free agents. After all, we are their representatives, and we have got to put before this House what our constituencies feel on important public matters. Our friends here know what the wishes of our community are, and, if by any means, we can come to an agreed settlement, I again put it to them that there is nothing to fear. After all, the voices of 350 millions of people cannot go unheard, but our Government know that these 350 millions are not united, and that is the reason why all the criticism that has so far been levelled against the Joint Parliamentary Committee Report has borne no fruit. We here in India are agitating, we here in India are condemning this Report, but British statesmen at Home are going on merrily with their work, they have completed the task that was entrusted to them, they have drafted the Bill, and they are proceeding quite peacefully with further arrangements regarding the passage of the Bill, and that is the reason why, this morning, I put it to the Honourable the Home Member the futility of having to discuss the Report which will bring us no practical good. . . .

An Honourable Member: You mean the Law Member?

Mr. A. K. Fuzlul Huq: I am very sorry, I meant the Law Member. But the Home Member looms very large in my mind.

Sir, after all, it is a very simple matter. We are all agreed that the Joint Parliamentary Committee Report is unsatisfactory, and it is no use or my Congress friends sitting on the fence. The very reason why they have not declared openly their views about the Communal Award shows that they do realise that Muslim feeling on that point is very strong. And if that is so, why not come to some sort of decision on that particular matter? If that is decided, then the rest is very easy, but if we cannot decide that ourselves, we shall only perpetuate the rule of the third party. I agree that the third party is there, because we are divided, but why are we divided? You, who are superior to us in education, in culture, in wealth and everything, should give us a lead,—I admit that you are superior in every respect, and it is for you to give a lead in this matter, to give us the generous hand of fellowship. (At this stage some noise resembling the sound of a bell was heard from the side of the Official Benches, and the Honourable Member sat down.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can go on if he wishes to. He has got another two or three minutes more.

Some Honourable Members: Go on, go on please. That is not a bell

Mr. A. K. Fuzlul Huq: I am very much obliged to my friends for pointing out the mistake I made in sitting down on hearing that sound. Anyway, I have lost the thread of my speech. But, I shall again point out that the history of the Reforms shows that they can be divided into three stages. The first stage was the lofty idea of hopes and promises British statesmen, acting under some generous impulses, laid down certain ideals in regard to India's political future, and these things raised very high hopes and aspirations. Even the princes have caught the contagion, and this stage terminated with the Government of India Pact. Then came the era of repentance. They repented for having said a good deal too much, and then came the third stage when they wanted to wriggle out of an impossible situation. That attempt has given rise to the Joint Parliamentary Committee Report. Everyone can see that an attempt has been made in the Report, by British statesmen, to get out of the position which they had outlined at the first Round Table Conference, but we will not allow them to get out of that position, provided we all agree on that fundamental point, namely, a settlement of the Communal Award. What is there in it that we cannot decide, and if we fail to decide it amongst ourselves, I may say at once that we are unfit to have responsible Government introduced into this country, but by the manner in which we decide these differences among ourselves, we will give proof to British statesmen and to the world outside that we are fit to hold the reins of power. It is not by artificial safeguards that the good of the country will be effected. Why have we come into the Councils to agitate for political power if we cannot sink all our differences, and remember that the good of the country ought to outweigh all communal and racial considerations? (Hear, hear.) We are all to blame, and let us hope that before the 7th February, the time perhaps for voting comes, we will be able to come to some sort of agreement. When that agreement is arrived at, we will announce to the House: "Here is this agreement. We have nothing to do with the Joint Parliamentary Committee Report. We want freedom and liberty, not the shadow, but the real thing, and all the promises that have been made to India ever since the Queen's Proclamation must be made good and fulfilled to the very letter." (Applause.)

Dr. R. D. Dalal (Nominated Non-Official): Sir, with your permission, I propose to discuss very briefly the essentials of the scheme set out in the report of the Joint Select Committee on Indian Constitutional Reform. Sir, in the first place, a clear understanding of the authorship and character of the report is, in my opinion, a matter of great importance. The Joint Select Committee was a body chosen by both Houses of Parliament from among its own Members to revise the draft constitutional scheme submitted to it by Government. It contained a preponderance of the men of all parties who had made a special study of the Indian constitutional problem. The weight of authority represented in the Committee was extraordinarily impressive; and it is no exaggeration to say that so strong a concentration of expert advice was never before brought to bear upon a great question of

Imperial Policy. The Committee were an extraordinarily competent body, aided with exceptional ability and admirable skill by their Chairman Lord Linlithgow to whom India owes a deep debt of gratitude for his untiring industry, wise counsel, and inexhaustible patience. The Committee were assisted by a strong contingent of distinguished delegates from British India, Indian States, and Burma. These representatives had devoted years of thought and study to the Indian constitutional problem; and they shared fully in the examination of witnesses and the deliberations; and their advice and co-operation were of the greatest value to the Committee. Above all, much credit is due to the Secretary of State, Sir Samuel Hoare, who has won the tribute due to indomitable persistence to an unruffled temper, and to an encyclopædic knowledge of his subject.

The report of the Parliamentary Joint Select Committee is a document of outstanding importance which will go down to history as one of the greatest State documents which contains the foundations of a solution of the great problem, namely a new Constitution for a country of the size of India with all her complex problems and diversities of interests—for a vast sub-continent divided by countless races, languages, religions, and degrees of civilisation. The report outlines a scheme, the basis of which is the future well being and happiness of India.

Mr. B. Das (Orissa Division: Non-Muhammadan): Question.

Dr. R. D. Dalal: So, the report must be recognised as an act of statesmanship designed to do what is in the best interests of India and of that continued association between India and the British Empire, which is vital to both.

Mr. B. Das: Question.

Dr. R. D. Dalal: Sir, to my mind, three impressions emerge from a study of the report of the Joint Select Committee. The first impression is that the report has attracted an immense weight of authority behind it. The second impression is that the main principles of the Government's raft scheme in the White Paper have stood a peculiarly searching test. Provincial autonomy stands, and with it central responsibility—central responsibility not necessarily to be brought into being at the same time, because federation is a slow and complicated process; but the Committee have endorsed the principle of laying down at once the whole programme of Indian growth to full responsible self-government. The conception of an All-India Federation also stands, subject to certain large reservations, namely, defence and foreign relations. The Princes by accepting the invitation of British India to join an All-India Federation have paved the way for the grant of responsibility at the Centre; and unless the Indian States join the Federation, Government's whole concept of central responsibility falls to the ground; so the Viceroy is fully entitled to advise and to persuade the Princes to implement their promise to achieve the political unity of India through Federation, provided their conditions of accession are observed. The third impression is that the amendments of the White Paper are neither few nor negligible. As the time is limited, I must even mention the points on which the recommendations of the Joint Select Committee modify or supplement the proposals of the White Paper. But, Sir, with your permission, I shall deal with one or two cardinal

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The Committee have substituted indirect for direct election to the Federal Legislature. They have made this change after a protracted debate between the experts. In India there is a pathetic faith in direct election as a symbol of democracy; but indirect election is desirable in view of the vastness of the area and the population involved and in order to obviate the difficulties which arise in polling a largely illiterate electorate. The Committee have proposed indirect election as the most practical system at the outset of the Federation, but they have expressly stated that it should be open to review in the light of the working of the constitution.

Now, Sir, I come to a very important point. Much anxiety has been expressed on a vital point, namely, the Dominion Status issue. The absence of any reference to Dominion Status in the report of the Joint Select Committee has been the chief cause of discontent in India. But the question of status had no part at all in the enquiries of the Joint Select Committee. Dominion Status is implicit in the Declaration of 1917 and the preamble of the Act of 1919 clarifies and expands the declaration. The repeal of the Act of 1919 does not involve the repeal of its Preamble, which cannot constitutionally be repealed. The Preamble to the Act of 1919 settles once and for all the attitude of the British Parliament and the British people towards India's political aspirations

Mr. B. Das: Question.

Dr. R. D. Dalal: and no pledge is in any way repudiated. India has already taken an equal place in the Council of nations. Equality was implicit when India was a signatory to the Treaty of Versailles, when India was given a full place in the League of Nations, at the Imperial Conference, and the Tariff Convention. When responsible government is in full being, the position of India will be Dominion Status, and India's right to nationhood will be undisputed.

Sir, I submit that no constitution devised by man will please everybody and that proposed for India is no exception to the rule. The scheme of the Joint Select Committee may not be ideally perfect—perfection in this matter is not attainable, but there has been proposed no workable alternative to this scheme. Sir, it is easy to magnify the points of difference and to belittle or ignore the points of agreement. But the fact remains that Indian public opinion has had a profound influence on both the tone and substance of the report. There is no doubt that the proposals mark genuine political advance; the advance may not be to the desired extent, but about the advance there is no question at all. Sir, I firmly believe in the good will and honesty of purpose of the British Parliament and the British public to lead India to full nationhood. My humble submission is that all the great achievements of the British in India during the last century and a half, which are responsible for the present awakening of the political consciousness in India, should not be ignored. History will bear witness that British administration in India has been capable, just, and beneficent beyond all previous oriental experience.

Sir, in conclusion, in supporting the motion of the Honourable the Leader of the House I say this—my firm conviction is that when the new Constitution, on the lines of the scheme of the Parliamentary Joint Select

Committee, is placed on the Statute-book and when it is brought into operation, it will be found that the scheme is workable, that it faces the realities of the problem, and that it may be relied upon to disappoint at once the distrust and suspicions of the opponents of the recommendations of the Parliamentary Joint Select Committee.

Sardar Mangal Singh: I deem it a great privilege to take part in this historic debate on the proposed constitution. In connection with the constitution, which we are discussing today, there are two points which prominently come before us. The first is that this document is not the result of India's self-determination. This document has not been prepared by our chosen representatives and it has not been prepared with their consent and consultation. It has been prepared by those undoubtedly good gentlemen who make no secret of their intentions to strengthen their hold on this country with a view to carry on uninterrupted their imperialist domination and economic exploitation of this country. Nor has this document been prepared by those gentlemen who wish to see India one day rank among the free nations of the world. This is not, what they claim, an agreed document, but, I would submit, it is an imposed document on an unwilling and helpless nation. This is a one-sided document and an offer on behalf of England which it is not worthy of England to give and India to accept. Another point is, that the solemn and authoritative pledges given by high placed gentlemen have been disregarded in framing this constitution. We have been told, times without number that the object of British rule in India is to carry this country to status equal to other dominions comprising what we know as the British Empire. Sir, all these pledges have been disregarded and even the most moderate demands put forward by the Indian delegation, and by our moderate friends, have been rejected and brushed aside unceremoniously.

My Honourable friend, Mr. Fuzlul Huq, said that if the test of patriotism is the rejection of the Joint Parliamentary Committee Report, then the Muslims are prepared to pass that test. I was very glad to hear it but, further on he added a saving clause to this, namely, that they were prepared to tear it to pieces provided their communal demands are conceded in full. May I ask if the Mussulmans do not belong to this country? Either this is a good constitution or this is a bad constitution. Are they not going to judge it on its merits alone? Then why do they say: "We will do this only if you do that". This position does not befit the great Moslem community which stands for freedom, which stands for equality all over the world. My answer to the Honourable the Opposition leader is this. I am not going to say that I am going into your lobby if you do this or if you don't do that. My answer is plain; that I am prepared to reject this constitution unconditionally and without adding any saving clause. The Sikhs are a small minority community in this country, but at the same time, we do realise that these communal wranglings and these communal dissensions are after all our private matter and I am anxious that this debate should not degenerate into communal bickerings. I am, therefore referring to the communal award with the utmost caution. Before I begin to examine its details, I wish to make it absolutely clear to my Mussalman friends that we, Sikhs, have absolutely no ill-will or any complaint against them whatsoever. Our relations with them are very cordial and we are anxious to maintain those relations. We know that we are to live and die in this country together. Our sorrows and our joys are common. We may not agree today but the day will come when we will agree to march

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together and achieve this country's freedom. I may make yet one more point clear. Although the Sikhs are a minority community, and a very small minority, yet I make an offer on the floor of this House, that if communalism is abolished, root and branch, in every shape and form from the constitution of this country, and, if we agree to formulate a model constitution on a purely national basis, I declare it on the floor of this House, today and here, that the Sikhs would forego their claim for separate representation (Loud Applause) and would walk behind the Leader of the Congress to whatever Lobby he may go and not only to whatever Lobby but to whatever *marcha* he may lead us for the freedom of the country. (Loud Applause). Sir, I make this offer in all seriousness. You may reject it, you may accept it, but that is not going to influence my judgment in casting my vote on it. I shall vote for its rejection. To the other question of the Honourable the Leader of the Opposition that we should put the acquisition first and division afterwards, to that question my answer, is "Yes". We are prepared to do that. Let the Communal Award be withdrawn, let everything be scrapped, what has happened before and let us march with a clean slate unconditionally and let us free our country first, and then we will sit together, as my friend, Maulana Shaikat Ali, has said, in a committee and divide our spoils if you like. (Laughter.) Sir, before going into the details of the Communal Award, I wish to make one more point clear. The Joint Parliamentary Committee Report has said, that all Indian communities, of course including the Sikhs, have acquiesced in the Communal Award. Sir, that is entirely wrong. I, on behalf of the Sikhs, do protest here against this deliberate misrepresentation on their part. The Sikhs, ever since the declaration of the Communal Award, have been carrying on a ceaseless and systematic agitation against the Communal Award. Point to a single Sikh organization or to a single Sikh public man of note who has said anything in favour of the Communal Award? Go to the Punjab, Sir,—you won't find a single Sikh organization that has got a good word to say for this much-condemned Communal Award. This is a deliberate misrepresentation on their part which does not become them, they being highly respectable gentlemen. (Hear, hear.) The communal question, Sir, in the Indian constitution, has assumed a very great importance. The question of the protection of minorities is a world-wide question and to my mind a legitimate question. But I have yet to hear that there should be also a protection for majorities. All over the world you do not find such a thing, but here in India you are also making safeguards for the protection of majorities and what are these safeguards? You create by a Statute, passed by Parliament, a statutory standing communal majority which is unchangeable, which cannot be altered by any appeal to the electorate. You are creating a deadlock, a situation in which I cannot influence the majority nor their judgment. What means do you give me to turn that majority out of office? You deprive me of all constitutional means of doing so by an appeal to the electorate. And what are the other means except that I should adopt a different method to turn out that Government if I am not satisfied with that Government? Such a Government is not a constitutional Government, it is not a responsible Government, it is not a democratic Government which you are establishing by the provisions of this Communal Award. It is also, Sir, a highly anti-national measure. When you are cutting the nation to pieces, when you are dividing our country into so many watertight compartments, how can you expect that a common sense of citizen-

ship will develop? How can you expect a united allegiance to one's country from this sort of thing? Sir, this Communal Award cuts our nation up into so many parts that it will only perpetuate communalism, it will perpetuate mistrust and mutual distrust and will seriously hinder the growth of our national unification. I think, Sir, it is most unwise on the part of His Majesty's Government to force such a decision on our country. It may look on the surface that it favours certain communities. It may go in favour of certain Knights, but what about the masses, I ask, and I say it does not go in favour of the Muslim masses. Certain individuals may be benefited, certain educated classes may be benefited, but I challenge anybody here, when I say, that it could not benefit the Muslim masses. It would not feed the hungry Muslim masses, it would not clothe the naked Muslim masses, it would not house the homeless Muslim masses, who would continue to suffer from poverty, from rank poverty, as they are doing now. It may benefit certain highly placed gentlemen, certain Knights . . . (Laughter.)

An Honourable Member: Who are they? Name them.

Sardar Mangal Singh: You know them very well. Sir, for the protection of minorities, the proper thing should have been to chalk out a formula of universal application. But what have they done? The two pillars of the Communal Award are separate electorates and weightage. Let us see if they have applied these two things to every community. They have given separate electorates to all the communities, but as regards the weightage, they have meted out differential treatment to different minorities. My Muslim friends will forgive me when I say that the Muslim minorities in those Provinces where they are in a minority have been given weightage from two and a half to three times their number, but how have the Sikhs been treated? The Muslims are 14 per cent. in the United Provinces but they have been given 30 per cent. representation there.

An Honourable Member: What about the North-West Frontier Province?

Sardar Mangal Singh: I am dealing with the Punjab yet. I do not quarrel with the Muslims that in the United Provinces they have got so much extra representation; they may get more, and I shall be very pleased, my only quarrel is that we should similarly be given the same weightage in my Province where we are 13 per cent. but where we have been given less than 19 per cent. This is very unjust. It is very unfair, and I think the British Government in this matter have let down the Sikhs very badly.

An Honourable Member: What about Parsis?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Sardar Mangal Singh: Give me some weightage, Sir. (Laughter.) I repeat, Sir, that the Sikhs have been sacrificed at the altar of political expediency. We have been sacrificed in this political bargain. And why?—It is very clear. I could have very easily purchased some more seats, I could have easily got some more favours from the Government by letting

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down my country and by playing treacherous to my countrymen, but, Sir the Sikhs decided, we will suffer with our countrymen but we shall never play treacherous to our country, we shall stand by our countrymen come what may, and the Sikhs have been punished for these two considerations. We have been sacrificed for political expediency and we have been sacrificed for our patriotism. Sir, the few minutes of weightage allotted to me, I will devote, not to the consideration of my community but to the general constitution. Coming to the constitution in the provincial sphere, I must say that in some respects there is a considerable advance. The franchise has been considerably extended; the nominated official and the non-official blocs have been abolished; and the reserved departments have been placed in the hands of the Ministers. This is all very good. But the number of these three concessions is a very unlucky one. These three concessions of the measure of responsibility have been eaten up by the extraordinary powers that have been given to the Government in the shape of safeguards, special responsibility, and so on and so forth.

Mr. N. M. Joshi: What about the Second Chamber?

Sardar Mangal Singh: There is no Second Chamber in my province. Sir, what has been given by one hand has been taken away by the other. These poor Ministers and these glorified Secretaries will simply be kicked from one side by the popularly elected Council and from the other by the All-mighty Governor like a football. This position, therefore, is bound to create constant friction and frequent deadlocks. It seems to me that the provincial autonomy has not been granted to the people of the provinces but the provincial autonomy has been granted to the Governors of the provinces.

Coming to the Centre, the position there is still worse. You are creating a Federation consisting of very unequal and very strange component parts. There are the Indian States, the British Provinces and some backward territories. All these are to be jumbled together and this they call by the high-sounding name of All-India Federation. I submit that this Federation is unsound in principle and unworkable in practice. In this Central Legislature will sit the Nominated Members of the Princes and the elected Members of the British India. Sir, they will be very strange bed-fellows and I doubt very much if they would be able to work together in spite of the assurances that have been given by my Honourable friend, Mr. Shaikat Ali. I doubt very much that the Princes will be able to pull on with us.

Maulana Shaikat Ali: I accept your challenge.

Sardar Mangal Singh: Well and good. I further submit that the people of the States are nowhere in the picture. There will be only the representatives of the Princes. What about the people of the States? If they agitate against the misrule of a Prince, they are to be silenced by the guns of the British Government. If there is any trouble for the Prince, the whole might of the British Government goes to help him. But if there is a misrule and if there is a tyranny on behalf of the Prince, the poor people are to be told: "We are not going to interfere with the internal matters of the State." This is very unsatisfactory and the people of the States ought to be protected. I submit that it is they who require protection from the hands of the mighty Princes who have enjoyed these privileges for a very long time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already had five minutes.

Sardar Mangal Singh: I shall conclude my remarks soon. I would submit to the Government that if you want our co-operation, if you value our confidence and if you value our cordial friendship, then you should advise His Majesty's Government not to proceed with the present legislation and call a Conference here. It should not be a Round Table Conference. We cannot accept anything from a round table conference which is already round. You should call a square conference and give us a square deal and let us there hammer out a constitution, otherwise there will be mistrust and bitterness in the country. Sir, the future generations will solve this question for themselves. After all, this communal question is a temporary question. New generations are coming very soon who hate this communal question and who will hate this wrangle. They will brush aside this communal aspect and will free the country. You know what I mean by saying this. It is from that point of view that I appeal to the Government to advise His Majesty's Government not to proceed with the present legislation and call a Conference here and settle this question.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the amendment moved by my leader, Mr. Desai. I am somewhat handicapped by the fact that the psychology behind the speech is not unfortunately shared by the younger section both in his Party and outside it. He has stated in this House that the British Government in the Joint Parliamentary Committee Report has accepted the principle that self-government should be there for India and that should be in the form of responsible government. Sir, Englishmen are very good in stating first principles. When I heard this, the story of the condemnation of Lord Hastings in the House of Lords came to my mind and also the graphic description given by Lord Macaulay of the same. There was absolute unanimity in the House of Lords that those who committed atrocities should be punished. The major premise was voted. Then, there was absolute unanimity on the minor premise that Lord Hastings was a perpetrator of crime. But the Englishmen are after all Englishmen. Immediately they saw that the conclusion would be something terrible to their political instinct, suddenly they managed to give a grant to Lord Hastings. That is the position today. At the time when the first Round Table Conference was concluded, the Prime Minister made a statement on behalf of the British Government and he stated very clearly that the constitution would be such as would lead to full responsibility, and the right of the Indian nation to have its say and the right of the Indian nation to complete freedom was further acknowledged at the time when the Gandhi-Irwin Pact was negotiated in this very city. That was the minor premise. And when we come down to the time of the third Round Table Conference and further to the time when the Joint Parliamentary Committee Report has been signed and published, what do we find? The moment the framers of this report find that the real transfer of power from the hands of the blood-sucking Bureaucracy to the real representatives of the people would mean ruin of their commerce, the ruin of their vested interests and the complete ending of the ruthless exploitation, we have everything but responsible government. We have everything except freedom in this Joint Parliamentary Committee Report. I, in my own humble way, have tried to read from cover to cover and I do

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not share the views that have been just expressed by my Honourable friend, Sardar Mangal Singh, that there is some advance to be found in it. I do not find that advance. It only means that all commercial vested interests of the British people have been consolidated. The rights of the British people to come and serve and practically take away all the good jobs in every branch of administration have been consolidated. Take the British army. Well, it is there. What are the safeguards? To put them in a nutshell, I would say: The safe has been well guarded; all money interests belonging to the British community have been well guarded, and the British guard is safe under the proposed constitution. That is the meaning, as I understand, of the word "safeguard". It may be a funny meaning, but I claim to say that that is the real meaning of the word "safeguard".

Dr. R. D. Dalal: Safeguard means "emergency power".

Mr. N. V. Gadgil: The Governor or the Governor General has got his special responsibility and discretion and on the top of it individual judgment. I think the mightiest monarch might aspire to be the Governor or the Governor General under the new constitution. What is this individual judgment? It was not there in the Joint Parliamentary Committee Report, it was not at the time of the first Round Table Conference or the second Round Table Conference or the third Round Table Conference, but it quietly comes in the Bill. Possibly, it may be, that if the Governor or the Governor General in his discretion gives a certain decision, and decision is bound to be judicial and it might serve as a precedent for the future Governors or Governors General and, therefore, the autocracy might be somewhat diluted. The insertion of the words 'individual judgment' is there. Translated, the phrase 'individual judgment' means complete autocracy, the sweet will of the Governor and the Governor General. We are told that this is responsible Government. I find from the sections in the Bill as well as from the corresponding paragraphs in the Joint Parliamentary Committee Report that the Instrument of Instructions will direct the Governor General to select Ministers as would command the confidence of the House. There are to be 250 from British India and 125 from the Indian India. He has only to nominate men as would command a majority. What is there to prevent him from nominating or choosing all the ten Councillors from the representatives of the Indian States because they will be 125 and with a few reactionaries or they may be called the progressives or for the matter of that with a small group of sixty, he can carry on the administration with his Ministers, chosen from the States representatives, and they cannot be turned out for the provision is that, if there is a two-third majority claiming to have no confidence, then alone the Ministry could be turned out. If we total up the figures, a solid block of 225,—125 from the Lower House and about 100 from the Upper—they alone could keep the Ministry in power at complete defiance of the people and of those who have been really elected on popular franchise. That is the central responsibility. I submit, Sir, that the whole thing is an attempt not to give anything. The English language, a great cynic has defined, is meant for men not to give out their thoughts but to conceal them. That seems to be very correct so far as the Joint Parliamentary Committee Report and the Bill

drawn on their provisions go. I submit that nobody can accept such a constitution. Even the Liberals have not accepted it. Appeals have been made in this House in the name of co-operation and argument and logic and all these sorts of things have been expressed in this House. I can only point out to Allahabad and Bangalore where the victims of the policy of co-operation are sitting quiet. The greatest co-operator—the Right Honourable Srinivasa Sastri—I still remember his ringing voice in the Federation meeting at Poona, stating very vehemently and completely that if this was the constitution, if this was the scheme, it would be political suicide to co-operate with the Government. That was the position of the Liberal Party and I feel that is still their position. I am somewhat slightly surprised to read the amendment given by my Honourable friend, Sir Cowasji Jehangir, which is not exactly in terms of the Resolution that was passed there in the Federation and, in very strong, if not in seditious language, supported by Sir Cowasji Jehangir himself. (Laughter.)

Sir Cowasji Jehangir: If the Honourable Member will read my amendment, he will find that it is very much the same as the Resolution passed at the Liberal Federation.

Mr. N. V. Gadgil: It is not the same, anyway; that is conceded. (Laughter.) I submit, Sir, that the Indian National Congress stands for real transference of power to the people, namely the masses and to stop the present system of ruthless exploitation. What the scheme really does is this. It is not progressive realisation of responsible self-government, but progressive realisation of ruthless exploitation in the interest of British commerce and in the interests of the British nation in general. (Hear, hear.) I submit, Sir, the immediate objective of the Congress is to stop this exploitation though the ultimate objective is complete independence and I stand by it to the full. I refuse to believe that any country, howsoever mighty it may be, can confine within the four corners of a preamble the political destinies of a great country, peopled by one-fifth of the human race. Coming to the immediate objective, as I said, of the Congress, it is to stop the economic exploitation and politically it means, therefore, the severance of British connection. I make no secret of it; the younger section stands for it and it will struggle for it and, if necessary, it will lay down its life for the same. (Hear, hear.) Those who make a fetish of the British connection, those who have been hugging to it, I ask them what is their reward? What for have they been co-operating? They co-operated with the Government during the last Great War, they sent hundreds of Indian soldiers to be butchered on the fair fields of France and Flanders to make an English holiday, and what is the result? (Cries of "Order, order" from the Official Benches.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not in order in using such language.

Mr. N. V. Gadgil: I obey the ruling of the Chair. I say that those who make a fetish of the British connection think that if the control of Great Britain were to be withdrawn from India, the Hindus and Muslims will fight with each other. If the process of history requires that the Hindus and Muslims cannot settle their problems without going through this orgy of bloodshed, I, for one, am quite prepared for it, but not under

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the regis of the British rule. (Hear, hear.) Let the British go out. We, Hindus and Muslims, will fight, and after sufficiently exhausting our strength, we will come to our senses and know that it is much better to sit at a Round Table Conference, among ourselves, and evolve out a plan in which a national system of Government, giving complete freedom to the masses will be chalked out. Therefore, when references are made to the Communal Award and when a Sikh Member had something hard to say about the Muslim community and when a Member belonging to the Muslim community had something hard to say about the Hindu or the Sikh community, I found very subtle smiles on the faces of the English element present here and it pained me very much. I submit that the Indian masses have suffered very much and the measure of the magnificence of this Hall is the measure of appalling poverty and misery which any one can see by going a few miles into the interior of this Delhi province, then one can very well realise what is the measure of responsibility that is offered to us in the Bill. You talk about what the British rule has done in India. You say it has brought peace and order. I wish it had not done that, for in that case, we would have been more brave and we would have solved our problems much quicker instead of living like slaves for ever with golden chains or silver chains. What is the net result of all this policy of exploitation? Gold is gone and if this policy is continued, permit me to say, Sir, that the only gold that will be left will be the Chair that we saw the other day in this Assembly Chamber. I submit, therefore, that in the name of the masses themselves this exploitation should come to an end and there must be real transference of power. In the Federation what do we get? The power is not really transferred. What is it that is pretended to be transferred and to whom is it transferred? The Princes will hold the key to the whole political situation in the coming Federation. They have already stated that the British want them to be there in order to have a stable and strong Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time. The Chair will give him two minutes more.

Mr. N. V. Gadgil: I will try to finish in two minutes. The Maharaja of Nawanagar has stated quite plainly that the States cannot make this contribution to having a stable and strong Government unless they are themselves left strong and stable. We had enough experience of strong government. With me the equation of strong government is government by ordinances, government under one pretext or the other, or, in substance, martial law. About the Indian States I do not wish to say much; if anybody wants anything I will direct him to my Honourable friend, Mr. Gauba, who will give plenty of information about the deeds and misdeeds of these gentlemen. (Laughter.) Now, I put it, that the representatives are going to be the representatives of the Princes, but where are the people? They are eight crores,—a little less than one-fourth of the population of India. Are you going to tax them or not? As I find in the report that they will be taxed, directly or indirectly, you are going to violate the very first principle of constitutionalism. They are to be taxed, but there is going to be no representation. We tell them that we want their money; we tell them that we will utilise them if there is a war; we will take their services, but as for representation their representatives will be the great

Maharajas and Chiefs and their nominees in the Upper as well as the Lower Chamber. They are not to be removed, and somebody said that, the nominated bloc is going. It is not going; they do not die a political death without leaving an issue. (Laughter.) They are there, 125 in the Lower and about 100 in the Upper. And what sort of issue? It is a stronger issue. It may be that in this bloc we will not have a Mr. Joshi to illuminate the utter darkness of helpless voting, but if the scheme materialises in the order which is to come, they will be there, ordered to vote as per their master's dictates. Theirs will not be to reason why, theirs will be only to vote as directed. That will be the position. Taking all these things into consideration, I can only say that we do not want it. Take it back; I will not add to that the words used by my Principal, Dr. Paranjpye, "and be damned", because it will not be very polite and parliamentary.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th February, 1935.

LEGISLATIVE ASSEMBLY.

Tuesday, 5th February 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

DISABILITIES OF INDIANS DOMICILED IN CEYLON.

1. ***Mr. Abdul Matin Chaudhury:** (a) Are Government aware that in the new Land Bill which has passed the Second Reading in the State Council of Ceylon, Indians are debarred from holding land in the island, even if they are domiciled there?

(b) Did the Agent to the Government of India protest against such discrimination, and if so, with what result?

(c) Have Government considered the question of making representations to the Colonial Government on the subject? If so, with what result?

(d) Is this discrimination a part of the policy of the Ceylon Government? If not, why are Indians put there under various disabilities in the matter of trade, employment or immigration?

(e) What steps have the Government of India taken to prevent any diminution of or prejudice to the rights or privileges to which Indians are entitled?

Mr. G. S. Bajpai: (a) to (c). The Honourable Member presumably refers to the Land Development Ordinance. The Government of India have had correspondence with the Government of Ceylon about it. The restrictive provision to which the Honourable Member refers is to be limited only to a portion of Crown land. The Government of India represented that even for this limited area, Indians permanently resident in Ceylon, whether possessing a Ceylon domicile of origin or not, should be eligible. This representation was not successful. Further representations have been made.

(d) and (e). Not so far as the Government of India are aware. They do not know of any discriminatory treatment in the matter of trade, employment or immigration. If the Honourable Member is in possession of information to the contrary, Government will gladly look into it, and, if necessary, take action.

Mr. Lalchand Navalrai: May I know if there is any such rule that Ceylonese should not hold land in India?

Mr. G. S. Bajpai: No: not apart from the provisions of the Land Alienation Restriction Acts which are in force in the Punjab and the United Provinces.

Mr. Lalchand Navalrai: Do I understand the Honourable Member aright that they are considering not to put that restriction there?

Mr. G. S. Bajpai: No: what I said was that an Ordinance which has already passed the Legislative Council or the State Council, as it is called in Ceylon, wants to limit the right of acquisition of certain areas of land to Ceylonese: but we have protested against it.

Prof. N. G. Ranga: With what result?

Mr. G. S. Bajpai: The first result, as I have already said, is negative: I hope the second will be positive.

Prof. N. G. Ranga: Is the Honourable Member aware that Indians are not eligible for the Ceylon Civil Service?

Mr. G. S. Bajpai: That is so.

Prof. N. G. Ranga: And that Ceylonese are eligible for the Indian Civil Service?

Mr. G. S. Bajpai: That, again, is true, Sir.

Prof. N. G. Ranga: Will the Government of India make suitable representations to the Government of Ceylon that Indians should be given the same privileges there as Ceylonese are given here?

Mr. G. S. Bajpai: I believe that matter is already under consideration.

RE-EMPLOYMENT OF THE RETRENCHED STAFF OF THE NORTH-WESTERN RAILWAY ACCOUNTS DEPARTMENT.

2. ***Bhai Parma Nand:** (a) Will the Honourable Member for Railways place on the table a list of men of the North Western Railway Accounts Department brought under reduction in pursuance of the economy campaign?

(b) How many of them have since been re-appointed and how many are still on the waiting list?

(c) Is the Honourable Member aware of the Railway Board's decision in the matter of re-appointment of the retrenched staff as published in their letter No. 1635-E. G., dated the 30th December, 1932, North Western Railway Extraordinary Gazette of the 15th February, 1933, also the report of the Court of Enquiry (formed under Trades Dispute Act, *vide* paragraphs 411 and 412) that until all the retrenched staff are absorbed, no outsider will be taken?

(d) Is the Honourable Member aware of the fact that the Chief Accounts Officer, North Western Railway, Lahore, has decided to cancel the waiting list on the 31st December, 1934 (*vide* his staff office Order No. 186, dated the 4th August, 1934) and to hold a recruitment examination on the 4th and 5th February, 1935 in which outsiders will be taken in contravention of the orders of the Railway Board without absorbing the men still on the waiting list?

(e) Is the Honourable Member also aware of the fact that some of the temporary staff brought under reduction and now re-appointed are also required to appear in the said examination, failing which they would be replaced by the qualified outsiders? Is this not against the orders of the Government of India?

(f) Is it a fact that the seniority of temporary routine clerks in the North Western Railway Accounts Department is being fixed on a wrong basis, i.e., undue preference is being shown to men appointed originally as routine clerks while retrenched accounts clerks class III taken as routine clerks irrespective of their length of service and qualifications are being treated as junior to the routine clerks?

Mr. P. R. Rau: (a) and (b). 262 men were retrenched and of these 125 men have been re-appointed. In view of the numbers concerned, I am sure, my Honourable friend will agree with me, that it is unnecessary to place a list of the names on the table.

(c) Government are aware of the documents referred to.

(d) and (e). When a separate Railway Accounts Department was constituted in 1929, it was decided, in consultation with the Standing Finance Committee for Railways, that all fresh recruits to clerical grades should ordinarily be selected by means of a competitive examination. Till such recruits were available it was necessary to appoint certain men in a temporary capacity, but all those so recruited after 1st January, 1929, were distinctly warned that they were liable to discharge on 24 hours notice and to make room for those recruited through a competitive examination later. Even if there had been no retrenchment, they were thus liable to be replaced. When it was recently decided to revert to the normal method of recruitment, for the subordinate staff of the Railway Accounts Department, steps were taken to consider the particular claims of men with long temporary service, and those who had rendered sufficiently long service are being retained as a matter of grace. Even as regards the others a concession has been given by relaxing the age limit for admission to the examination.

(f) No. I am informed that the retrenched class III Accounts Clerks taken back as Routine Clerks have only been shown in the list of Routine Clerks for convenience, and the places assigned to them in that list do not signify relative seniority.

LEASES OF WASTE LANDS IN THE KARACHI CANTONMENT BOARD AREA.

***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that waste lands in the Karachi Cantonment Board Area have been given on permanent leases to several persons during the last 20 years?

(b) If the reply to part (a) be in the affirmative, will Government please state the names of such persons with area of land granted on permanent lease to each?

(c) Is it a fact that certain persons who have been holding land on temporary leases for the last ten years and over have made several applications to the Cantonment authorities for renewing their leases on permanent basis and their applications have been rejected? If the reply is in the affirmative, will Government please state reasons for such an action?

(d) Is it a fact that the Cantonment authorities have issued instructions to holders of land on temporary leases renewable after every five years and terminable on three months' notice at any time that they were not to construct any permanent or even temporary structures on lands so leased out? If so, will Government please state the reasons for such instructions?

(e) If the reply to the first portion of part (d) be in the affirmative, are Government aware that leasing out waste land on such strict terms causes great loss of public revenues?

(f) Will Government be pleased to indicate in a tabular statement the area of waste lands within the limits of the Karachi Cantonment area, showing (i) vacant land (ii) land leased out temporarily, and (iii) land leased out permanently?

Mr. G. R. F. Tottenham: (a) Yes—but the lands are not waste lands. They are valuable building sites.

(b) A statement is laid on the table.

(c) Yes. For some time now permanent leases have been refused because the Government of India have been contemplating the outright sale of the land for the purposes of town extension.

(d) Yes—because it is undesirable to confer permanent rights in land which might interfere with the town planning scheme.

(e) There may be some small temporary loss of revenue but it is hoped that the eventual return will more than cover this loss.

(f) A statement is laid on the table.

Statement referred to in the Answer to part (b).

Name of lessee.	Area.
Mrs. A. St-Ives Currie	0.21 acres.
Hony. Secretaries, Karachi Parsi Co-operative Housing Society Ltd.	19.45 „
Mr. L. Braganza	2.17 „
Mr. S. P. Kotwal	.51 „
Mr. S. P. Kotwal	.72 „
Mr. S. P. Kotwal	.61 „
Mr. S. P. Kotwal	.67 „
Mr. S. P. Kotwal	.47 „
Mr. P. J. Daroga	.48 „
Mr. I. Sequiera	1.65 „
Messrs. Showaram Nandaram and Naraindas Keshow Das	.34 „
Mr. Nadirshaw Naoroji	0.25 „
Total	27.53 „

Statement referred to in the Answer to part (f).

Area of vacant land.	Area of land leased temporarily.	Area of land leased permanently.
56.7 acres.	14.196 acres.	27.53 acres.

DELAY IN THE SUPPLY OF COPIES OF THE JOINT PARLIAMENTARY COMMITTEE REPORT BY THE CENTRAL PUBLICATION BRANCH.

4. ***Maulvi Muhammad Shafi Daudi:** (a) Are Government aware that a money order of Rupees six was received by the Manager of Publications, Civil Lines, Delhi, on the 19th November, 1934, for despatching twelve copies of Volume I, Part I, of the Joint Parliamentary Committee on Indian Constitutional Reforms to me?

(b) Is it a fact that in response to the same, Voucher No. 10059 V. P. was prepared by the office of the Government of India, Central Publication Branch, Civil Lines, Delhi, on the 25th November, 1934 for rupees six, annas ten but a V. P. P. for annas ten, the balance charged for packing, was despatched to my address on the 30th November, 1934, under Memorandum No. S.P.-29625 which was received by me on the 4th December, 1934?

(c) Are Government aware that in spite of ordering twelve copies of the Joint Parliamentary Committee Report so early by the despatch of a money order covering the price of the books as advertised, delay was caused by the Government of India Central Publication Branch, Delhi?

(d) Will Government be pleased to state the reasons for such delay and inform this House as to what steps have been taken to stop the recurrence of such inordinate delay in complying with the orders from the public in such important matters?

The Honourable Sir Frank Noyce: (a) and (b). The facts are as stated, except that the money order was received on the 20th November.

(c) and (d). I regret that the Honourable Member did not get his copies when the Report was first available but I cannot agree that there was inordinate delay. This was not a Government of India publication and by special arrangements, designed to secure that copies reached all provinces in time for the date of release, the first consignment of copies was distributed to provincial agencies from Bombay. Each province thus received a limited number of copies designed to meet the local needs, and the number received in Delhi in the first consignment was not equal to the local demand. Demands from other provinces sent to Delhi were, therefore, met from the second consignment which reached Delhi on the 24th November. These were complied with in the order of their receipt in the Central Publication Branch and the 12 copies ordered by the Honourable Member were despatched on the 30th November. There was, unfortunately, some delay in his case as he had omitted to state the name of his nearest railway station—Patna City—and had only given his address as Bankipore.

INCONVENIENCE CAUSED TO ROAD TRAFFIC BY CLOSING THE BRIDGE OVER THE GANGES NEAR BENARES.

5. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that the Grand Trunk Road between Delhi and Calcutta passes through Benares and crosses the river Ganges between Kashi Station and Bichupur Station near Moghulsarai?

(b) Is it not a fact that the Ganges bridge is common to road and railway traffic?

(c) Is it not a fact that the bridge is closed to road traffic whenever any train leaves Moghulsarai on one side and Benares Cantonment on the other?

(d) Are Government aware that the bridge is sometimes kept closed for four hours or more continuously and the entire traffic is held up during this interval, and that this causes great inconvenience to the travelling public?

(e) Are Government prepared to consider the desirability of duplicating the bridge as in Delhi or regulating the time by stopping trains on either side of the bridge?

Mr. P. R. Rau: I am making enquiries from the Railway Administrations and will place a reply on the table in due course.

Dr. Ziauddin Ahmad: May I ask whether it is intended by this answer simply to avoid supplementary questions?

Mr. P. R. Rau: Not at all.

INCONVENIENCE TO THIRD CLASS PASSENGERS AT AJMER.

6. ***Dr. Ziauddin Ahmad:** Are Government aware that third class passengers at Ajmer are locked up in an enclosure, where they are kept for several hours without supply of water or eatables and wait the arrival of trains, and the lock is not opened for the passengers to get out either on the side of platform or the town?

Mr. P. R. Rau: The Agent, Bombay, Baroda and Central India Railway, states that the allegation in the Honourable Member's question is not correct. Passengers are not allowed on the platforms till trains are due to arrive, but otherwise their movements are in no way controlled. Drinking water and refreshments at vendors' stalls are always available.

Mr. Lalchand Navalrai: May I know how much time it takes them to come out of the enclosures? There are enclosures there.

Mr. P. R. Rau: I am afraid my Honourable friend must give me notice of that question.

Mr. N. M. Joshi: May I ask why there is this discrimination against third class passengers, when the other class passengers are allowed to come on the platform?

Mr. P. R. Rau: Numbers, Sir.

Mr. N. M. Joshi: May I ask whether there will be a safeguard against this discrimination? (Laughter.)

Dr. Ziauddin Ahmad: Is it a fact that water is available to the third class passengers in the enclosure?

Mr. P. R. Rau: I have been informed by the Agent of the Railway that drinking water and refreshments at vendors' stalls are always available.

Dr. Ziauddin Ahmad: Within the enclosure?

Mr. P. R. Rau: I suppose so.

INCONVENIENCE TO PILGRIMS RETURNING FROM AJMER.

7. ***Dr. Ziauddin Ahmad:** Is it not a fact that the special trains which the Bombay, Baroda and Central India Railway provides for the exit of pilgrims from Ajmer, are sometimes stopped at intermediate stations and are not taken to foreign junction stations, causing great inconvenience to pilgrims?

Mr. P. R. Rau: The Agent, Bombay, Baroda and Central India Railway, reports that trains are always run to their advertised destinations. I understand my Honourable friend's question suggests that these destinations should be junction stations with foreign railways. If there is a sufficient number of passengers offering to justify running special trains for such destinations, the Administration would, I am sure, be quite prepared to do so. I am bringing the Honourable Member's question and my reply thereto to the notice of the Agent, Bombay, Baroda and Central India Railway.

NON-GRANT OF CONCESSION TO PILGRIMS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

8. ***Dr. Ziauddin Ahmad:** Is it not a fact that the Bombay, Baroda and Central India Railway contrary to other Railways does not give any concession to pilgrims?

Mr. P. R. Rau: I am not aware of any Railway Administration allowing a concession to pilgrims as such. The Bombay, Baroda and Central India Railway, like other Railways, allow concessions for special occasions when the Administration is satisfied that they will result in an increase of revenue.

Dr. Ziauddin Ahmad: Is it not a fact that the East Indian Railway allows such concessions and even when the pilgrims go to Ajmer, that railway allows concessions up to Agra, but afterwards the Bombay, Baroda and Central India stops such concessions?

Mr. P. R. Rau: No Railway allows concessions only to pilgrims: these concessions apply to all passengers.

Dr. Ziauddin Ahmad: It is allowed to all passengers, but on the occasion and at the time these pilgrimages are performed?

Mr. P. R. Rau: The East Indian Railway administration must have been satisfied that such a concession must result in increased traffic.

Dr. Ziauddin Ahmad: I am sorry my friend does not appreciate my question: during the time of pilgrimages, the East Indian Railway allows pilgrims and other passengers travelling at that time concession rates from Calcutta to Agra, but afterwards the Bombay, Baroda and Central India Railway does not allow the concession and passengers have to pay full fare.

Mr. P. R. Rau: May I ask my Honourable friend to explain what he means by "the time for pilgrimages". In India, so far as I know, there is no time for pilgrimages: every time is a time for pilgrimages.

Sir Muhammad Yakub: If I may be allowed to say that, my Honourable friend is not right in saying that in India every time is pilgrimage-time. It is not correct in the case of Muslim shrines: they have got fixed days every year for pilgrimages on the occasion of *Urs*, when pilgrimages are performed to the tombs of saints, and it is for this that my Honourable friend asks for concessions. At Ajmer, Roorkee and certain other places, these *Urs* or death ceremonies of saints are performed, and thousands and thousands of pilgrims flock to these places.

Mr. P. R. Rau: If my Honourable friend is referring to the *Urs* fair of the Khwaja Sahib at Ajmer, I understand the Bombay, Baroda and Central India Railway have considered it for a long time, but have come to the conclusion that the grant of the concession was not justified as it was not a paying proposition.

Dr. Ziauddin Ahmad: As regards its being a paying proposition, the pilgrims come at a particular time of the year, not throughout the year, from all parts of India: only a portion of the pilgrims travel on the East Indian Railway which considers it a paying proposition to grant these concessions, but the Bombay, Baroda and Central India Railway, as it is not a State-managed Railway, considers it not as a paying proposition.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must put it in the form of a question.

Dr. Ziauddin Ahmad: When it is a paying proposition for part of the traffic, why is it not a paying proposition for the whole?

Mr. P. R. Rau: That is an assumption: it is quite possible that the East Indian Railway are wrong.

Mr. M. S. Aney: Will the Honourable Member place before this House the data on which the Bombay, Baroda and Central India Railway have come to that conclusion?

Mr. P. R. Rau: I have not got any data here.

Dr. Ziauddin Ahmad: But only the opinion of the Agent: that is all.

Mr. P. R. Rau: I understand from the Agent that in September, 1932, he sent a long letter to my Honourable friend explaining the reasons for it.

Dr. Ziauddin Ahmad: I received no reply except an opinion of the Agent, and nothing more than what he has said on the floor of the House.

THIRD CLASS FARE ON THE METRE GAUGE SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

9. ***Dr. Ziauddin Ahmad:** What is the third class fare per mile in metre gauge section of the Bombay, Baroda and Central India Railway between Delhi and Ahmedabad? Is it the same as in the broad gauge of the Bombay, Baroda and Central India Railway?

Mr. P. R. Rau: I am placing on the table a statement showing the rates of third class passenger fares on the Bombay, Baroda and Central India Railway. There is no difference between the broad and metre gauge sections.

Third class Passenger Fares on the Bombay, Baroda and Central India Railway.

Miles.	Pies per mile.	
	By mail or express trains.	By ordinary trains.
1—50	4 1/2	3 3/4
Plus 51—200	4	3 1/4
Plus 201—300	3 3/4	3
Plus 301 and over.	3	2 3/4

TERMINATION OF THE CONTRACT OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

10. ***Dr. Ziauddin Ahmad:** (a) When will the contract of the Bombay, Baroda and Central India Railway come to an end?

(b) Will Government be pleased to lay a copy of the contract on the table?

(c) Can Government in the interest of the comforts of travelling public acquire the line earlier?

Mr. P. R. Rau: (a) The contract may be determined, with 12 calendar month's notice, on the 31st day of December, 1941, or on the 31st day of December, in any succeeding 5th year, reckoning from that date.

(b) A copy is available in the Library.

(c) The earliest possible date under the contract is the 31st of December, 1941.

Dr. Ziauddin Ahmad: What is the answer to part (c) of the question, please?

Mr. P. R. Rau: The earliest possible date under the contract is the 31st December, 1941.

CASUALTIES BETWEEN ALLAHABAD AND BENARES ON THE BENGAL AND NORTH WESTERN RAILWAY.

11. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that in the year 1933-34, twenty-seven men and women and 107 cattle were killed between Allahabad and Benares on the Bengal and North Western Railway?

(b) What is the list of casualty on the East Indian Railway between the same stations?

(c) Is it a fact that there is no fencing on either side of the line on the Bengal and North Western Railway?

(d) What action, if any, do Government propose to take to avoid such casualties?

Mr. P. R. Rau: (a) No. Government are informed that the number was nine and one respectively.

(b) Similar figures for the East Indian Railway are as follows:

	Route via Jaaghai (partly unfenced).	via Moghalsarai.
Persons	34	36
Head of cattle	31	56 respectively.

(c) The main line Sonapur-Gorakhpur to Burhwal, and the section Chupra to Ravelganj, are fenced.

(d) The question of the advantages or disadvantages of fencing was considered very carefully by the Government some years ago and a statement explaining the conclusions arrived at by them was laid on the table of the House on the 2nd September, 1929. I would ask my Honourable friend to study this document at his convenience.

Mr. Lalchand Navalrai: In regard to part (c), may I know if the Railways are going to adopt any measures with regard to fencing on either side of the line with a view to avoiding casualties? Do the Railways contemplate erecting more fencing or adopting some other devices to avoid casualties?

Mr. P. R. Rau: The policy of the Government was, as I have said, considered very carefully some years ago and a statement was laid on the table of the House in 1929.

Mr. Lalchand Navalrai: Does the Honourable Member know that in America there is a system of bells, and when trains pass through thickly populated portions, where there is no fencing, these bells ring and thus casualties are avoided there. Do Government contemplate doing something of that sort in this country or they propose to take no notice of these casualties?

Mr. P. R. Rau: I am afraid I do not know anything about the practice in America.

Mr. Lalchand Navalrai: May I know if the Honourable Member will make inquiries and instruct the Agents to devise some means to avoid casualties?

(After a pause.)

Will the Honourable Member reply to my question?

Mr. P. R. Rau: I shall consider that point.

Sir Muhammad Yakub: Probably in America human life is not so cheap as in India.

ADMINISTRATION IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

12. ***Dr. Ziauddin Ahmad:** (a) Did Government send a copy of the questions asked in this House about the administration in the Moradabad division, to the Agent of the East Indian Railway?

(b) What reply did Government receive from the Agent and what action did the Agent take on the matters referred to in the questions?

(c) Was a copy of the debate held in this House in August, 1934, on the supply of food and drinks on railway stations, sent to the Railway Advisory Committees? If so, what was their opinion?

Mr. P. R. Rau: (a) Yes.

(b) A report has just been received from the Agent, and will be examined by the Railway Board.

(c) A copy of the debate was forwarded to Agents of Class I Railways, who were asked to discuss the matter with their Advisory Committees, and to report to the Railway Board. Seven reports have been received, and the others are expected shortly.

Dr. Ziauddin Ahmad: Will these Reports be made available to Members of the Assembly?

Mr. P. R. Rau: After the Reports have been received, Government will consider in what form they should be made available to Honourable Members.

AMALGAMATION OF THE ROHILKUND AND KUMAUN AND THE BENGAL AND NORTH WESTERN RAILWAYS.

13. ***Dr. Ziauddin Ahmad:** (a) Have Government been approached for permission to amalgamate the administration of the Rohilkund and Kumaun Railway with that of the Bengal and North Western Railway, and to transfer the offices of the Rohilkund and Kumaun Railway from Izatnagar to Gorakhpur? If so, what reply did Government give?

(b) In view of the contemplated purchase of the Bengal and North Western Railway by Government in 1937, do Government propose to postpone any administrative action on such amalgamation?

Mr. P. R. Rau: (a) No.

(b) Does not arise.

SENIORITY LIST OF THE OFFICES OF THE EAST INDIAN RAILWAY.

14. ***Dr. Ziauddin Ahmad:** (a) Will Government please place in the Library of this House a copy of the seniority list of the offices of the East Indian Railway?

(b) Do Government propose to take immediate action to get such a list prepared if it does not exist?

(c) Are Government aware that the absence of such a seniority list is a source of great dissatisfaction among the officers of the East Indian Railway?

Mr. P. R. Rau: A copy of the combined seniority list for Company and State Railway Officers on the East Indian Railway has been placed in the Library of the House.

Dr. Ziauddin Ahmad: Thank you very much. It is ready, after all.
 CONTRACT FOR THE SUPPLY OF COOLIES ON STATIONS BETWEEN SAHARANPUR
 AND MOGHULSARAI.

15. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that one individual has the contract of the supply of coolies at all the Railway stations on the East Indian Railway between Saharanpur and Moghulsarai?

(b) Is it a fact that that individual is now dead, but the contract has passed on to his son?

(c) Is the contract a permanent one, or is it revised periodically?

(d) Who gives the contract?

Mr. P. R. Rau: (a) Government were informed by the Agent, East Indian Railway, in 1933, this was so at that time.

(b) Government have no information, but I think I can safely assure my Honourable friend that the contract is not hereditary.

(c) The period of the contract is not fixed, and it can be terminated, after due notice, at the discretion of the officer authorised to give the contract.

(d) The Divisional Superintendent, Moradabad.

Dr. Ziauddin Ahmad: May I know.

Mr. President (The Honourable Sir Abdur Rahim): Is that a supplementary question?

Dr. Ziauddin Ahmad: Yes, Sir.

Have Government inquired if this system of contract has been going on for a very long time, and whether they are renewed secretly year after year or they are permanent?

Mr. P. R. Rau: They are not permanent in the sense that they cannot be revised.

Dr. Ziauddin Ahmad: After what period are these contracts renewed?

Mr. P. R. Rau: As found necessary.

SELECTION OF CONTRACTORS FOR THE SUPPLY OF COOLIES.

16. ***Dr. Ziauddin Ahmad:** On what principle are the contractors for the supply of coolies selected:

(i) by inviting tenders,

(ii) by public auction.

or

(iii) as gift?

Mr. P. R. Rau: On the Great Indian Peninsula Railway and for important stations on the Eastern Bengal Railway tenders are invited.

On the East Indian Railway contractors are selected by the Divisional Superintendents except in the case of Howrah where the selection is made by the Chief Operating Superintendent.

On the North Western Railway Jamadars are selected from amongst approved coolies at large stations and are given licences free of charge for the supply of coolies. At other stations coolies are licensed by the Station Master.

Prof. N. G. Ranga: Could the Honourable Member give me information with regard to the M. & S. M. Railway?

Mr. P. R. Rau: I am afraid I have got information only in regard to State-managed Railways on this question.

Mr. N. M. Joshi: May I ask if these contracts are necessary at all? Do Government find it difficult to get porters at the stations?

Mr. P. R. Rau: In large stations there is some difficulty in controlling porters if they are kept under the Station Masters.

Mr. N. M. Joshi: May I ask whether the Railway authorities cannot get suitable staff to control the porters?

Mr. P. R. Rau: These porters can be controlled if there is a sufficient number of staff.

Mr. N. M. Joshi: May I ask why Government do not employ staff instead of giving a contract?

Mr. P. R. Rau: I am afraid it will be more expensive.

CONTRACT FOR THE SUPPLY OF COOLIES ON THE EAST INDIAN RAILWAY.

17. ***Dr. Ziauddin Ahmad:** (a) Is it not a fact that in certain sections of the East Indian Railway contracts for the supply of coolies are given to the Station Masters?

(b) Is it not a fact that complaints against the misbehaviour of coolies are referred to the Station Masters? Will not, in the cases referred to in part (a) the complaints against the Station Masters be made to themselves?

(c) On what principle is this additional work given to the Station Masters?

(d) Are Station Masters eligible to hold contracts of tea stalls on the Railway platforms? If not, why are they considered eligible to hold cooly contracts?

Mr. P. R. Rau: I have asked the Agent, East Indian Railway, for certain information and will place a reply on the table of the House when it is received.

ALLEGATIONS AGAINST THE CONTRACTORS OF COOLIES ON THE EAST INDIAN RAILWAY.

18. ***Dr. Ziauddin Ahmad:** (a) How much does a contractor take from each coolie at a railway station per day? Is it not two annas to four annas per day?

(b) Is it not a fact that the coolie contractors are paid separately for the loading and the unloading of goods in the trains other than goods trains?

(c) Are Government aware that those contractors get the work done by coolies in *begar* (without payment) and thus pocket the entire amount?

(d) How much money does the East Indian Railway administration pay for loading and unloading goods at Moghulsarai, Bareilly, Lucknow, and Saharanpur?

Mr. P. R. Rau: I am assuming that my Honourable friend's question refers to the East Indian Railway:

(a) Government have no information. The Railway does not prescribe any scale.

(b) Yes, in some cases.

(c) The Agent, East Indian Railway, states that any complaints made in regard to this point are immediately investigated and suitable action taken.

(d) I have called for the information and will lay it on the table of the House when received.

Mr. Lalchand Navalrai: May I know if the Honourable Member himself had, at any time, been charged more than the fixed coolie rate?

(No answer.)

Mr. Lalchand Navalrai: Perhaps the Honourable Member has not understood my question, and so I will repeat it. I want to know whether these coolies are charging more to the passengers on account of their having to pay something to the contractors, and I also want to know if the Honourable Member has himself at any time not been asked to pay more than fixed rates?

Mr. P. R. Rau: Has my Honourable friend any right to question me with regard to my private affairs?

Mr. N. M. Joshi: The Honourable Member said that it would cost the Government more if they did not employ the contractors. May I ask, Sir, when the contractors are able to make money out of the contract, why can't the Government make that money?

Mr. P. R. Rau: I am afraid that the question of controlling the porters departmentally has not been considered, at any rate I have not myself seen any discussion on it.

Mr. N. M. Joshi: May I ask whether Government will consider that question?

Mr. P. R. Rau: Yes, Sir.

Dr. Ziauddin Ahmad: The Honourable Member may take it from me that this is a fact that the coolie contracts from Mughalsarai to Saharanpur, including Cawnpore Station, are given to one person, and he takes all the work from the poor coolies in *begar*, that is, without payment. Will the Honourable Member write to the Agents concerned and inquire if this is a fact or not and report the result to the Assembly?

Mr. P. R. Rau: I shall obtain whatever information is considered necessary.

Dr. Ziauddin Ahmad: If he finds that this is a fact, will he take steps to prevent that kind of thing going on?

Mr. P. R. Rau: That is a hypothetical question.

Dr. Ziauddin Ahmad: I did not catch what the Honourable Member said, will he please repeat it?

Mr. P. R. Rau: That is a hypothetical question.

RESPONSIBILITY FOR THE GOOD BEHAVIOUR OF COOLIES ON RAILWAY STATIONS.

19. ***Dr. Ziauddin Ahmad:** (a) Who is responsible for the good behaviour of coolies, contractors or Station Masters?

(b) What are the responsibilities of the coolie contractors? Are they responsible for the theft of the passengers luggage committed by coolies?

(c) Are they responsible for forcibly demanding from passengers wages above the scheduled rates, on the ground that they pay large sums to the contractors and carry on *begar*?

Mr. P. R. Rau: (a) The person who has the contract is responsible. He is subject to the control of the station master.

(b) I understand contractors are generally held responsible for seeing that the number of coolies is adequate, that they are of good character, that they are properly and neatly dressed, that they are orderly in their conduct, are regular in attendance and do not charge more than the rates authorised. They are also presumably responsible for theft of luggage committed by coolies supplied by them, but this depends on the circumstances of each case and may have to be decided in a Court of law.

(c) I am sure my Honourable friend does not seriously expect me to reply to a hypothetical question of this nature. If he personally comes across any such instance, I hope he will bring it immediately to the notice of the station master, so that steps might be taken to fix the responsibility and take suitable action.

Dr. Ziauddin Ahmad: May I know if the coolie contractor is responsible for the loss of luggage of passengers?

Mr. P. R. Rau: No, Sir; I am quite unable to give a categorical reply to that sort of question. It may have to be decided in a Court of law.

Dr. Ziauddin Ahmad: Then, what is he responsible for? Is he not responsible for the good behaviour of coolies which includes theft?

Mr. P. R. Rau: Good behaviour does not include theft.

Dr. Ziauddin Ahmad: Does the Honourable Member mean that a theft is committed by a person of good behaviour? May I have an answer to this?

(No reply.)

REMOVAL OF WAGE-CUTS ON RAILWAYS.

20. ***Mr. Lalchand Navarai:** (a) Will Government be pleased to state if they intend to remove the wage-cuts on the State Railways? If so, when, and if not, why not?

(b) Do Government propose to advise the Company-managed railways to remove the wage-cuts on their railways? If not, why not?

Mr. P. R. Rau: (a) As announced in the Press communiqué issued yesterday, it has been decided not to reimpose the emergency deductions from pay when they cease on the 31st of March.

(b) Company-managed Railways will be advised to follow State-managed Railways in this matter.

Mr. B. Das: May I ask the Finance Member to tell me whether this restoration of the salary cut of Government servants from the 1st April also implies the abolition of the lower limit of the amount liable to income-tax and the abolition of the surcharge on the income-tax as was assured to this House before?

The Honourable Sir James Grigg: I must ask my Honourable friend to wait and see.

Mr. B. Das: Why should not the Honourable Member wait till his budget speech to announce this restoration of salary cut?

The Honourable Sir James Grigg: Because it was impossible to deal with the Railway Budget until the question of the restoration of the pay cut had been determined.

Mr. B. Das: Is the Honourable Member aware of the promise that was given by his predecessor that both the things would be considered simultaneously?

The Honourable Sir James Grigg: I am aware of my predecessor's pledge, but I am also aware that the Honourable Member states it somewhat inaccurately.

Mr. S. Satyamurti: May I know the reason why the Government have decided to remove the wage-cuts on State Railways?

Mr. P. R. Rau: The State Railways have been treated all through in the same manner as other Government Departments.

Mr. B. Das: May I enquire from the Honourable the Finance Member what is his correct reading of the pledges of his predecessor?

The Honourable Sir James Grigg: I do not think that arises out of the present question.

Mr. S. Satyamurti: May I know if the financial position of the State Railways has so improved as to justify the Government in restoring the wage-cuts?

Mr. P. R. Rau: My Honourable friend will, I am sure, have no objection to wait till the 18th February when the Railway Budget will be placed before the House.

Mr. S. Satyamurti: May I know why, when I am asked to wait, the Government do not wait before they make up their mind to restore the wage-cuts?

Mr. P. R. Rau: The Government have to prepare the Budget.

Mr. S. Satyamurti: May I know, therefore, whether the Government had any reasons for making up their mind to restore the wage-cuts, that is to say, an improvement in the financial position, or any other reason?

Mr. P. R. Rau: The reasons will be made known to my Honourable friend when he hears the budget speech.

Mr. S. Satyamurti: I want to know, Mr. President, what are the reasons which actuated the Government, as a matter of fact, in restoring the wage-cut? This is a serious matter.

The Honourable Sir James Grigg: The main reason is the pledge given by the Government of India on innumerable occasions.

Mr. S. Satyamurti: May I know what were the other reasons, Mr. President?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not prepared to give the information, what can the Chair do?

Mr. S. Satyamurti: I am much obliged to you. I see that he is not prepared to give any reasons.

Mr. President (The Honourable Sir Abdur Rahim): Question No. 21:

Mr. Lalchand Navarai: I do not want to put No. 21 today.

Mr. S. Satyamurti: Why? I put question No. 21.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will take it at the end.

†21*.

†This question will be answered on the 6th February 1935.

LOW PRICES IN THE TRADE MARKET IN INDIA.

22. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state what steps they have taken to improve the low prices of trade in India?

(b) Is there any committee appointed to examine the export and import trade of India as a whole and the trade of other countries with which India is in competition in the world's markets, with a view to help the Indian agriculturist and the trader? If so, how far has the committee progressed in its work?

The Honourable Sir James Grigg: (a) A good deal has been attempted in one direction and another (e.g., import duties, restriction schemes, etc.), which might have been expected to raise internal commodity prices.

(b) No, Sir. Nor do I think that there is any prospect of useful employment for such a committee, so long as the present universal desire simultaneously to export freely, and to import as little as possible continues.

Mr. Lalchand Navalrai: May I know if any method is going to be found out in this direction or not, or are you going to leave it as it stands?

The Honourable Sir James Grigg: I am sorry I am not a prophet.

Mr. Lalchand Navalrai: It is not a question of being a prophet. The Honourable Member is in charge of this and he can probably take steps for the purpose of removing this evil.

The Honourable Sir James Grigg: I wish I were in charge of this, but as the Honourable Member knows, experiments to cure the present depression are going on in every country in the world, but so far they have not been very successful.

Mr. Lalchand Navalrai: Does the Honourable Member think that it should go on in every country and in India also without any remedy?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered the question.

The Honourable Sir James Grigg: I am always open to consider suggestions from the Honourable Member for putting the world right.

Mr. B. Das: May I know what steps the Honourable Member has taken in respect of the planned economy suggestion which his predecessor gave out in his budget speech before he retired from this country?

The Honourable Sir James Grigg: I think that is a matter for debate and not for question and answer.

Dr. Ziauddin Ahmad: What steps have Government taken to raise the prices of agricultural products? They can give it either in a reply, or they may issue a statement.

The Honourable Sir James Grigg: I have made an attempt to reply to it in the first part of this answer. Beyond that I have nothing to say.

Dr. Ziauddin Ahmad: Or, in other words, no steps have been taken?

The Honourable Sir James Grigg: Perhaps I may read out my answer again.

"A good deal has been attempted in one direction and another (e.g., import duties, restriction schemes, etc.), which might have been expected to raise internal commodity prices".

Dr. Ziauddin Ahmad: If questions are objected to that they are vague, may I also not object that the answers are vague?

The Honourable Sir James Grigg: The Honourable Member is entitled to his own opinion just as I am entitled to mine.

Mr. S. Satyamurti: What is the "good deal"? Will the Honourable Member be good enough to specify in some detail what are the import duties and on what goods they have been imposed, and to what extent, and what has been the effect of all that on the raising of prices in this country?

The Honourable Sir James Grigg: I think the Honourable Member had better put that down on paper. That is a very large question.

Mr. S. Satyamurti: May I seek your protection, Mr. President? He is here to answer the questions that are put.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not prepared to answer the question straight off.

Mr. S. Satyamurti: Thank you, Sir.

COMPETITION OF THE MOTOR TRAFFIC WITH THE RAILWAYS.

23. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state the extent to which the motor traffic is competing with the goods and passenger traffic on the Indian railways at present?

(b) Have any measures been taken to adjust equitably the clash between the motor and railway traffic?

(c) Have Government considered the desirability of reducing the freight charges and the fares on the railways in order to meet the competition of the motor traffic? If not, why not?

Mr. P. R. Rau: (a) The latest information available is contained in the Mitchell-Kirkness report on road and rail competition, etc., issued in 1933, a copy of which is in the Library of the House.

(b) The question of road-rail competition has been engaging the attention of Government since 1927. The steps taken by them culminated in December last in the first meeting of a body called the Transport Advisory Committee, which Government hope will be a permanent institution. It consists of representatives from each Governor's Province, ordinarily a Minister with one or two technical advisers. In his inaugural address to that body the Honourable Sir Frank Novce gave a short history of the various measures taken by Government. I lay the relevant extract on the table. At its meeting the Transport Advisory Committee formulated a

precise statement of policy to secure the co-ordinated development of road and rail transport, a copy of which I also lay on the table. The Government of India will now place this statement before Local Governments with a view to its adoption by them.

In addition to these steps to secure a sound policy in the future, the Government of India have always administered the Road Account, which at present forms the chief source of funds for the development of roads, in a manner designed to avoid undesirable competition between motor and railway traffic.

(c) Railways have constantly under examination the question of making such adjustments in fares and freight rates as circumstances call for. For example, on the North Western Railway third class passenger fares have been reduced and one-day return journey third class tickets introduced between certain stations. Similarly, rates for parcels traffic have been quoted from and to certain stations to prevent diversion of the traffic to the road.

Extract from the inaugural address by the Honourable Sir Frank Noyce at the meeting of the Transport Advisory Council held on 7th January, 1935.

* * * * *

Our progress, though apparently slow, has been steady. It began with the Jayakar Committee which, as I have said before well and truly laid the foundations of further progress. There followed next the Mitchell-Kirkness Report, which is and will continue to be a mine of well ordered information. Then we had the Road-Rail Conference of 1933, which first formulated the outstanding problems now facing us and suggested means for their solution. The Resolutions drafted by that Conference were the basis of a prolonged and intricate correspondence with local Governments in which most of you must have taken an active part. That correspondence disclosed a considerable amount of agreement on the problems and solutions stated by the Conference, and raised some new questions. We have now come together to give more precise form to the various problems and solutions proposed in the correspondence, and to evolve a statement of common policy which we hope will be energetically pursued by all interests concerned. I hope also that our discussions will indicate further lines of investigations to be pursued in the interval elapsing before our next meeting, and that we shall then be in a position further to develop the statement of common policy, to the benefit of the Government of India, of local Governments and of the people of India.

Concise Statement of Policy to secure the Co-ordinated Development of Road and Rail Transport, formulated by the Transport Advisory Council at its meetings on the 7th, 8th and 9th January, 1935.

PART I.—THE CONSTRUCTION OF ROADS AND RAILWAYS.

1. For the present, funds available for roads, other than funds required for maintenance or for the fulfilment of existing commitments, should be applied largely to the development of roads which do not duplicate existing means of transport.

2. Where a metalled road runs parallel to a railway, feeder roads giving access from or to that road to or from railway stations, towns and large villages close to it, should be constructed and maintained up to a standard which will secure that the access is unimpeded.

3. (a) In the administration of the Road Account, any scheme for the construction or improvement of a road included in an accepted skeleton system of trunk roads should not be opposed by the Government of India merely on the ground that such a

road is parallel to a railway, and a scheme for the construction or improvement of any other road parallel to a railway should require special justification with reference to the circumstances of the particular case;

(b) the accepted skeleton system of trunk roads referred to above should be settled in agreement with Local Governments.

PART II.—THE CONTROL OF TRAFFIC.

1. For the double purpose of promoting the public safety and convenience and of placing competition between road and rail on an equal footing, the following measures should be adopted in regard to motor buses:

- (a) a reasonable standard of maintenance of vehicles;
- (b) the medical inspection of drivers;
- (c) insurance against passenger and third party risks; and
- (d) the adequate inspection and enforcement of regulations.

2. The number of motor buses should be restricted so as to avoid wasteful competition.

In order to secure this end:

(a) motor buses or services of motor buses should be licensed for a specified route or specified routes only; and

(b) in determining whether a license should be granted or not, regard should be had to the following four tests, namely:

- (i) the extent to which the needs of the proposed routes are already served;
- (ii) the extent to which the proposed service is desirable in the public interest;
- (iii) the traffic needs of the area as a whole, including the need to link up routes with railways and other routes; and
- (iv) the suitability of the routes for the proposed traffic.

3. It may be expedient in order that fuller advantage may be taken of a particular road:

- (a) to grant a monopoly of motor bus traffic for a limited period on that road to a well organised service, and
- (b) to arrange for the issuing of through tickets for journeys partly by such a service and partly by a railway fed by it.

PART III.—ADMINISTRATIVE MACHINERY.

(a) The Government of India and the local Governments, particularly under the new Constitution, should, as far as may be feasible and constitutionally possible, place in the charge of one Member or Minister all matters relating to communications.

(b) The annual meetings of the Transport Advisory Council, as an Advisory body, for the co-ordination of road and rail transport, should be continued.

(c) Each local Government should create or maintain provincial Boards of Communications with advisory functions relating to matters concerning the co-ordination of road, rail and inland water transport, on which the railways and inland water transport of the province should be adequately represented, and no important scheme of road, rail or inland waterway development should be approved by the local Government until it has been discussed by the Board after adequate notice has been given to the various interests concerned.

(d) Each local Government should take measures to establish machinery for the control of motor transport according to the circumstances of each province, which will be adequate to carry out the detailed measures recommended by this Council and accepted by the local Government for the control of motor transport.

NOTE.—All the above recommendations were adopted unanimously, except Part I items 1 3 (a) and (b), Part II items 1, 2 and 3, and Part III item (a) which were carried by a majority of more than two-thirds of the members.

(Sd.) D. G. MITCHELL,

Secretary to the Government of India,
Department of Industries and Labour.

Mr. Sami Vencatachalam Chetty: May I know if, in pursuance of this policy, the Central Government have addressed Local Governments to raise the motor vehicle taxation?

The Honourable Sir Frank Noyce: No. That is a question for Local Governments.

Prof. N. G. Ranga: Have the Central Government addressed the Local Governments or not?

The Honourable Sir Frank Noyce: Not, so far as I am aware, on that point.

Mr. F. E. James: With reference to the answer to part (c) of the question, can the Honourable Member tell the House at what stage the enquiry into the revision of the tariff in regard to goods traffic on the railways is at present?

Mr. P. R. Rau: As my Honourable friend is aware, a Sub-Committee was appointed by the Indian Railway Conference Association to ascertain what statistics would be required in order to embark upon an exhaustive enquiry of this nature. That report was considered by the Association at their meeting in October and certain proposals were made by them. The Railway Board propose to discuss the question with the Indian Railway Conference Association in the March meeting.

Dr. Ziauddin Ahmad: Will those proposals be available to the Members of the Assembly?

Mr. P. R. Rau: Not at present.

Mr. S. Satyamurti: With reference to the answer to part (c) of the question, may I know if the Government of India have any policy of co-ordinating the railway and motor traffic, or is it a case of railways being encouraged to kill the motor traffic?

The Honourable Sir Frank Noyce: No, certainly not. The object of Government is to co-ordinate the two methods of transport in the best interests of the country.

IMPROVEMENT IN THE EARNINGS OF THE RAILWAYS.

24. ***Mr. Lalchand Navalrai:** Is it a fact that there has been an improvement in the earnings of the railways, and that it is due entirely to improvement of goods traffic?

Mr. P. R. Rau: Yes, Sir.

NON-APPLICABILITY OF SECTION 45 OF THE SPECIFIC RELIEF ACT TO SIND.

25. ***Mr. Lalchand Navalrai:** (a) Has the attention of Government been drawn to the repeated remarks of the highest Court in Sind with regard to the non-applicability of section 45 of the Specific Relief Act to the province of Sind?

(b) Is it a fact that cases do arise in Sind similar to those in places where the Chartered High Courts have jurisdiction?

(c) Is it a fact that much as the High Court in Sind wished to interfere in the case reported in A. I. Reporter 1934, Sind 136, they could not exercise this jurisdiction and give relief for want of power under section 45, Specific Relief Act?

(d) Will Government be pleased to state what difference they make in his respect between the impotence of Sind Province and the other parts of Bombay Presidency where Section 45, Specific Relief Act does apply?

(e) Do Government propose, in view of the public and judicial authorities' opinion, to take early measures to amend section 45, Specific Relief Act, and make it applicable to the Province of Sind and such other suitable parts of India to which it does not apply?

The Honourable Sir Henry Craik: (a) to (d). The Government of India are fully aware that the Court of the Judicial Commissioner in Sind has no power to issue an order under section 45 of the Specific Relief Act. In that respect the position of Sind is the same as the position of all other parts of British India, except those small areas to which the original civil jurisdiction of the High Courts at Calcutta, Madras, Bombay and Rangoon extends.

(e) The answer is in the negative.

Mr. Lalchand Navalrai: May I know what are the reasons for not making that improvement and applying the provisions of section 45 to other places where it is not applicable, where they are doing the same work as the Chartered High Courts?

The Honourable Sir Henry Craik: That, I understand, is a very contentious question on which opinion is greatly divided.

Mr. Lalchand Navalrai: May I request the Honourable Member to make enquiries on this point and ask the Provincial Governments whether they are in favour of this section 45 being applied or not. Something should be done.

The Honourable Sir Henry Craik: The whole question was fully considered about two years ago and the decision was that there was no case for extending the section to other parts of India.

Mr. Lalchand Navalrai: Two years is a long time. The new Constitution is coming in. Greater powers are being given to some other High Courts. Why should not this section be applied and powers given to Courts which do not possess them? I will request the Honourable Member now to make an inquiry and take some steps.

The Honourable Sir Henry Craik: I will consider that.

Mr. Lalchand Navalrai: Thank you.

Mr. M. A. Jinnah: May I press the Home Member to consider the case of Sind particularly?

The Honourable Sir Henry Craik: On what grounds?

Mr. M. A. Jinnah: Very many grounds.

REDUCTION OF RAILWAY FREIGHT ON SIND RICE.

26. ***Mr. Lalchand Navalrai:** (a) Is it a fact that a representation was made to the North Western Railway authorities by the Karachi merchants that railway freight on rice be reduced?

(b) If so, what steps were taken in that direction?

(c) Is it a fact that the Railway freight on rice is about eight annas per maund from Upper Sind to Karachi?

(d) Will Government be pleased to state what the freight is on rice imported from Upper Sind to Punjab and Delhi?

(e) Is it a fact that in 1914 paddy was selling at Re. 1-8-0 per maund and the railway freight was three annas nine pies?

(f) Is it a fact that the price of paddy is nearly the same as it was in 1914, and that the freight is eight annas per maund from Upper Sind to Karachi?

(g) Will Government be pleased to explain this difference?

(h) Will Government be pleased to state if it is a fact that Rangoon has facilities to export rice to the Persian Gulf on cheaper steamer charges, and are Government aware that that causes great hardship to Karachi port in competing with Rangoon rice for export to the Persian Gulf?

(i) Are Government aware that Rangoon white rice is being sold with Karachi delivery at Rs. 2-8-0 per maund, and that with eight annas freight per maund on Upper Sind white rice it is not possible to compete with Rangoon rice at Karachi?

(j) Do Government propose to reduce the railway freight on the carriage of Sind rice in order to allow it to have a fair competition with the Rangoon rice? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b) The Agent, North Western Railway, states that enquiries made showed that traffic in rice was moving freely to Karachi. The Administration did not, therefore, consider that any reduction in freight rates was necessary.

(c) The freight varies with the distance: from Sukkur, which I understand is the principal Upper Sind Centre, to Karachi it is Re. 0-7-10 per maund.

(d) The railway freight varies with the distance: that from Sukkur to Amritsar is Re. 0-9-10 per maund and to Delhi Re. 0-10-11.

(e) The annual average wholesale price of paddy in 1914 at Sukkur was, I understand, Rs. 2-9-6 per maund, and the railway freight from Sukkur to Karachi was Re. 0-4-6 per maund.

(f) The wholesale price on the 31st December, 1934, was Rs. 1-12-6 per maund, and the railway freight from Sukkur to Karachi was Re. 0-7-10 per maund.

(g) The difference in railway freight rates for rice to Karachi, comparing 1914 with 1935, is due to the fact that in 1914 special rates were being quoted for rice, as for other grain and pulses, from most stations on the North Western Railway to Karachi. If the ordinary rates that were applicable on the North Western Railway generally were charged in 1914 for bookings to Karachi, the rates now in force would be only 20 per cent. more than the 1914 rates.

(h) Government understand that the freight charge on rice from Rangoon to the Persian Gulf is about Re. 0-8-6 per maund. The freight from Karachi is less and is about Re. 0-5-6 per maund. The reply to the latter part of the question is in the negative.

(i) The Agent, North Western Railway, states that enquiries made showed that the selling price for Rangoon rice in Karachi in July, 1934, was Rs. 2-8-0 per maund, whereas the price of Upper Sind rice varied from Rs. 2-9-0 to Rs. 4-8-0 according to quality.

(j) For reasons already explained in reply to part (b), no reduction the rates is contemplated at present.

Mr. Lalchand Navalrai: I did not quite follow the Honourable Member's replies to these long paragraphs. I take it that there is a difference in the price of Rangoon rice, Karachi rice and Sind rice there, and that some provision should be made to vouchsafe that there should be fair competition.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member put it in the form of a question?

Mr. Lalchand Navalrai: Is it not a fact that there is competition, and that, in that competition, Sind rice is suffering?

Mr. P. R. Rau: The qualities are not the same, I believe.

Mr. Lalchand Navalrai: Has the Honourable Member any information that the quality is not the same?

Mr. P. R. Rau: Yes, Sir.

Mr. Lalchand Navalrai: Is it not a fact that the quality being the same, there is a difference?

Mr. P. R. Rau: I am not aware of that.

Mr. Lalchand Navalrai: Will the Honourable Member then make inquiries and ask the Agent to do something in this direction to find out if there is a competition which is not fair?

Mr. P. R. Rau: My Honourable friend is assuming that the competition is not fair.

Mr. Lalchand Navalrai: May I request the Honourable Member, as he does not know the conditions, to ask the Agent to make inquiries and do something?

Mr. P. R. Rau: The Agent has made inquiries.

Mr. Lalchand Navalrai: I mean further inquiries on the points I have submitted to the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

VOTERS ON THE ELECTORAL ROLL OF THE WEST AND EAST PUNJAB SIKH CONSTITUENCIES OF THE LEGISLATIVE ASSEMBLY..

27. ***Sardar Sant Singh:** (a) Will Government be pleased to state the number of voters on the electoral roll of the West Punjab Sikh constituency and those on the East Punjab Sikh constituency? How many votes were polled during the last election?

(b) What candidates contested these two seats and how many votes did each candidate receive?

The Honourable Sir Henry Craik: (a) and (b). I place on the table a statement showing the information asked for.

Statement containing information relating to the East and the West Punjab Sikh Constituencies.

	No. of voters on the Electoral Roll.	No. of votes polled.
(a) East Punjab Sikh Constituency	3,122	2,367
West Punjab Sikh Constituency	16,134	9,296
	Candidates.	Votes.
(b) East Punjab Sikh Constituency	Sardar Harbans Singh	624
	Sardar Rajindar Singh	69
	Sardar Fatehjang Singh	807
	Sardar Mangal Singh	864
West Punjab Sikh Constituency	Sardar Sant Singh	7,106
	Sardar Gulab Singh	2,078
	Sardar Anup Singh	95

Sardar Sant Singh: Is it not a fact that there is a wide divergence between the two lists?

The Honourable Sir Henry Craik: Yes.

DISTRICTS INCLUDED IN THE WEST AND EAST PUNJAB SIKH CONSTITUENCIES OF THE LEGISLATIVE ASSEMBLY.

28. ***Sardar Sant Singh:** (a) How many districts of the Punjab are included in the West Punjab Sikh constituency and how many in the East Punjab Sikh constituency?

(b) What is the area of each of these two constituencies?

(c) In view of the large difference in the number of votes of the two constituencies, do Government propose to re-arrange these constituencies in such a manner as to divide the voting strength equally?

The Honourable Sir Henry Craik: (a) and (b). The information asked for by the Honourable Member is contained in Part I(1) of Schedule I to the Legislative Assembly Electoral Rules and in Table I in Part II of Volume XVII (Punjab) of the report of the Census of India, 1931, copies of which are available in the Library.

(c) Government consider that no useful purpose would be served, by taking the action suggested, at this stage.

Sardar Sant Singh: What are the reasons as to why the Government consider that no useful purpose would be served by making a change in the constituency?

The Honourable Sir Henry Craik: I trust that any contingency which would deprive this House of the Honourable Member's presence is so remote that it will never arise.

Sardar Sant Singh: In view of the fact that this House is likely to reject the recommendations of the Joint Parliamentary Committee Report and in view of the fact that better sense will prevail in England by withdrawing the Bill which is before the Parliament, the contingency may now arise?

Mr. President (The Honourable Sir Abdur Rahim): It is a hypothetical question.

APPOINTMENT OF SIKH OFFICERS IN THE GOVERNMENT OF INDIA OFFICES.

29. ***Sardar Sant Singh:** (a) Will Government please state the number of officers belonging to each of the All-India and Provincial Services working in the Government of India Secretariat, including the Railway Board and the Intelligence Bureau and other attached offices, in December, 1922 and December, 1933? How many of them were Europeans, Hindus, Muhammadans and Sikhs each time?

(b) Which of the communities have increased their share of representation in these offices as compared with 1922 and by how much? Has the total number of Sikhs increased? If not, why not?

(c) What is the total service of each of the Indian officers, who are working at present in these offices? Was there no Sikh having as much or more service, available for employment in the Secretariat or its attached offices?

(d) Are Government prepared to consider the advisability of giving a chance in the future vacancies to Sikh officers? Is it a fact that Government have in the past recruited in the Secretariat and the Railway Board and other attached offices a sufficient number of Muhammadan officers?

The Honourable Sir Henry Craik: I lay on the table a statement which will give the Honourable Member the information required by him in parts (a), (b) and (c) of the question. As to the employment of Sikhs and Muslims in superior Secretariat posts, I would refer the Honourable Member to the reply given to part (a) of starred question No. 134 on the 4th February, 1924. The position was also explained in greater detail in connection with the Resolution regarding the Indianization of the Indian Civil Service moved in another place on the 10th February, 1934.

Statement showing the number of officers, etc., belonging to each of the All-India and Provincial 1922 and December, 1923 together with the length of service of each of the Indian Officers

Department or Office.	In December 1922.						In Decem-					
	Officers of All-India Services.					Total.	Provincial Service Officers.					Total.
	Europeans.	Hindus.	Muslims.	Sikhs.	Indian Christians.		Europeans.	Hindus.	Muslims.	Sikhs.	Indian Christians.	
Home Department	5	...	...	...	...	5	...	...	...	...	...	4
Bureau of Public Informa- tion.	...	...	...	...	...	...	...	...	...	...	...	...
Intelligence Bureau.	4	...	...	...	...	4	3	2	...	...	...	5
Foreign and Political De- partment.	1	...	...	...	...	1	1	...	...	...	...	1
Office of Military Adviser in Chief, Indian States Forces.	...	...	...	...	...	...	...	...	...	...	...	...
Finance Department	3	...	...	...	...	3	...	...	...	...	...	4
Central Board of Revenue	This office was not constituted in 1922.						...	2	...	...	...	2
Army Department	2	...	...	...	...	2	...	...	...	...	...	3
Legislative Department	4	...	...	...	...	4	...	...	...	...	...	3
Department of Commerce	3	...	...	...	...	3	...	2	(b)	(d)	1	5
Railway Department. (Railway Board.)	...	...	...	...	...	...	...	...	...	...	...	...
Department of Education, Health & Lands.	7	1	...	...	...	8	...	1	1	(c)	2	4
Office of the Director General, Indian Medical Service.	5	1	...	...	...	6	...	...	...	...	...	4
Office of the D. G. of Archaeology.	...	...	...	...	...	...	...	...	...	...	...	...
Department of Industries and Labour.	6	...	...	...	...	6	...	4	...	...	...	5
Office of the Director of Civil Aviation.	...	...	...	...	...	...	...	...	...	...	...	...
Office of the D. G. of Posts and Telegraphs.	1	...	...	...	...	1	...	1	...	...	...	1
Office of the Chief Control- ler of Stores.	...	...	...	...	...	...	...	...	...	...	...	...
Office of the Chief Engineer, C. P. W. Department.	(e) 11	2	1	1	...	15	1	3	...	1	...	5
Office of the Controller of Printing and Stationery, Military Finance Depart- ment.	...	...	...	...	...	...	...	...	...	...	...	1
Office of the Military Ac- countant General	...	...	...	...	...	...	...	...	...	...	...	...
Total.	52	2	5	1	...	52	1	6	3	1	1	12

Services employed in the Government of India Secretariat and Attached Officers in December employed in January, 1935.

In 1933.						Length of service of each of the Indian Officers employed in January 1935.	Remarks.
Provincial Service Officers.							
Europeans.	Hindus.	Muslims.	Sikhs.	Indian Christians.	Total.		
...	...	...	...	...	...	1 Hindu ... 17 years.	(a) Including one tempy.
...	...	1	...	...	1	1 Muslim ... 25 years.	
...	3	3	...	...	5	2 Hindus ... 25 and 27 years. 3 Muslims ... 22, 19 and 19 years. No Indian Officer.	
...	...	...	...	...	...		
...	...	...	...	...	...	No Indian Officer.	
...	...	...	...	...	...	No Indian Officer.	
...	...	...	...	...	...	No Indian Officer.	
...	...	...	...	...	...	*1 ... 24 years.	* Appointed since December 1933 in a leave vacancy.
...	...	...	...	...	...	1 Indian Christian 31 years. 1 Sikh ... 13 years. 1 Hindu ... 19 years.	
...	...	...	...	...	...		(b) Including one temporary (I. E. S. Officer)
...	...	...	...	...	...		(c) Excluding one retired I. E. S. officer re-employed.
...	...	...	...	...	...	2 Hindus ... 19 and 31 years. 1 Muslim ... 15 ... years..	(d) One Sikh has since been employed.
...	...	...	...	...	...	No Indian Officer.	
...	...	...	...	...	...		
...	...	...	...	...	...	1 Muslim ... 6 ... years.	
...	...	...	...	...	...		
...	...	...	...	...	...	1 † Hindu ... 22 ... years.	† Appointed since Decembe 1933.
1	2	...	...	...	3	2 ... 25 years. 2 ... 24 " 1 ... 21 " 1 ... 17 " 1 ... 13 " 1 ... 11 " 1 ... 5 "	
...	...	...	...	...	...		(e) Excluding one retire officer re-employed temporarily.
...	...	...	...	...	...	No Indian Officer.	
1	4	4	...	...	9		

APPOINTMENT OF SIKH JUDGES IN THE LAHORE HIGH COURT.

30. *Sardar Sant Singh: (a) Is it a fact that the Secretary of State for India, before making the appointments, asks for the nomination of persons fit for the appointment of a Judge of a High Court?

(b) Is it also a fact that the Government of India in turn enquires from the Chief Justice of a High Court the name of persons whom he considers suitable for the appointment?

(c) If the reply to the preceding parts be in the negative, will Government please state the procedure followed in selecting persons for appointment as Judges of the High Courts of Judicature?

(d) How many vacancies of Judges of the High Court of Lahore occurred since August 1933, and by whom was each of them filled up?

(e) How many of the appointments were made out of the District and Session Judges and how many by direct nominations?

(f) How many of the appointments were given to Sikhs as against Muhammadans and Hindus?

(g) Is it a fact that Sikhs have always been representing to Government through deputations, press and the Indian Legislature for their claims to such appointments?

(h) Is it a fact that similar sort of representations were made by the Muhammadans and they have been given a fair representation in this service and that the claims of the Sikhs have been totally ignored?

(i) Is it not a fact that last year on the retirement of a Muhammadan Judge of the High Court, Lahore, another member of the same community was given the chance?

(j) What are the necessary qualifications for such appointments? Was there no Sikh with necessary qualifications available for any of the appointments made by Government during the period mentioned above? If so, in what way?

(k) Do Government now propose to take steps for giving the Sikh community its due share in the High Court of Lahore by appointing at least a couple of Sikhs in future vacancies? If not, why not?

The Honourable Sir Henry Craik: (a) to (c). Permanent appointments to the High Courts are made by His Majesty, under section 101 of the Government of India Act, and not in the manner suggested by the Honourable Member.

(d) The Governor General in Council has no information in regard to acting appointments which are made by the Local Government under sub-sections (1) and (2) of section 105 of the Government of India Act. I lay on the table a statement showing the persons appointed to fill permanent vacancies and temporary additional judgeships.

(e) Seven of the persons appointed had previous experience as District and Sessions Judge.

(f) None.

(g) and (h). Government have received representations from Sikhs and also from Muhammadans and they have dealt with these representations in exactly the same way and without showing favour to either community as such.

(i) Yes.

(j) and (k) The qualifications for High Court Judges are laid down in sub-section (3) of section 101 of the Government of India Act. The claims of Sikhs receive and will continue to receive due consideration along with those of persons belonging to other communities with due regard to the provisions of sub-section (4) of that section. But these appointments are not made on a communal basis.

STATEMENT.

Permanent.

1. The Honourable Sir Douglas Young, Barrister-at-Law, Chief Justice.
2. The Honourable Mr. Justice Monroe, K.C., Barrister-at-Law.
3. The Honourable Mr. Justice Skemp, I.C.S.

Temporary Additional Judges.

1. The Honourable Mr. Justice Bhide, I.C.S.
2. The Honourable Mr. Justice Currie, I.C.S.
3. The Honourable Mr. Justice Abdul Rashid, Barrister-at-Law.
4. The Honourable Mr. Justice Rangi Lal, P.C.S.
5. The Honourable Mr. Justice Hilton, I.C.S.
6. Sir Abdul Qadir, Barrister-at-Law.
7. The Honourable Mr. Justice Din Muhammad.
8. The Honourable Mr. Justice Beckett, I.C.S.
9. The Honourable Mr. Justice Blacker, I.C.S.

NOTE.—In some cases the same person was reappointed as Additional Judge.

APPOINTMENT OF A SIKH IN THE OFFICE OF THE DIRECTOR OF PUBLIC INFORMATION.

31. *Sardar Sant Singh: (a) Is it a fact that there is no Sikh in the Public Information Bureau office? If so, since how long has there been no Sikh in that office?

(b) Is it a fact that there is a permanent vacancy in that office? If so, do Government propose to appoint a qualified Sikh in that vacancy?

The Honourable Sir Henry Craik: (a) There is one Sikh at present employed in a temporary post in the Bureau.

(b) No. There was a vacancy recently which has been filled by the confirmation of a Muslim who was holding a temporary post in the Bureau.

Mr. Lalchand Navalrai: May I inquire how many Hindus and how many Muhammadans are there?

The Honourable Sir Henry Craik: I must, I am afraid, have notice of that question.

Sardar Sant Singh: May I inquire what is the total strength of the clerical staff of this Public Information Bureau office?

The Honourable Sir Henry Craik: I must have notice of that too.

SELECTION OF CANDIDATES FOR ADMISSION TO THE INDIAN MILITARY ACADEMY.

***Sardar Sant Singh:** (a) What control or check have the Army Headquarters got over the Officers Commanding to see that the so-called 'Y' cadets nominated by them, whose selection was made very carefully, are not got rid of on ordinary pretext in order to make room for their (Officers Commanding) own recruited men?

(b) Will Government please state whether it is a fact that, in one or two cases, nominees of the Officers Commanding who were admitted to the Dehra Dun Academy, could not get along in the class for want of adequate knowledge of English and, as such, were detained for six months or so in the Academy in recent years and the Commandant of the College brought such cases to the notice of the Army Headquarters and they in turn warned the Officers Commanding for this?

(c) Is it also a fact that some of the Cadets recruited from the Army are considered unsuitable and are about to be discharged now? If so, what are their names and on what grounds and from which regiments were they selected and on whose recommendations?

(d) Are the 'Y' Cadets selected by the Army Headquarters in 1930 and 1931 on being unfavourably reported upon by their Officers Commanding given a second chance to show their worth under other Officers Commanding also? If not, why not?

(e) Are Government prepared to lay down an open departmental competitive examination or any other procedure, which a Committee of this House may suggest, to the Government in replacement of the present kind of selection made through the commands? If not, what are the difficulties?

Mr. G. R. F. Tottenham: (a) No 'Y' cadet is discharged without the orders of the Army Headquarters. The question, however, insinuates that Commanding Officers are actuated by unworthy motives in recommending Cadets for nomination to the Academy. His Excellency the Commander-in-Chief desires me to say that this suggestion is entirely baseless. Commanding Officers are selected and appointed by him for the very responsible positions that they hold; and there is no reason, whatever, to believe that their recommendations are based on any considerations other than those of efficiency.

(b) It is true that some of the I. A. cadets have dropped a term or been removed from the Academy, but there was nothing in their failure to call for a warning to Commanding Officers.

(c) Five Indian Army cadets had to be removed from the Academy in January, 1935, as being unlikely to make efficient officers. I lay on the table a statement giving their names and units. In accordance with the usual procedure, they were originally selected for cadetships by His Excellency the Commander-in-Chief after the most careful analysis had been made by a Committee at Army Headquarters of the comparative claims of the different candidates recommended by Unit Commanders.

(d) No, because there is no reason to believe that such a course is necessary.

(e) No. It was agreed, after full discussion in the Indian Military College Committee, that 50 per cent. of the cadets entering the Academy should be nominated by H. E. the Commander-in-Chief from the ranks of the Indian Army. In exercising his power of nomination His Excellency has no object in view except efficiency and can accept no advice except from his own officers, in whom he has the most complete trust.

Statement.

Name.	Unit.
Parbhati Singh	Skinner's Horse.
Jetha Singh	Sikh Pioneers.
Sayad Sarfaraz Hussain Shah	3rd Bn., 10th Baluch Regiment.
Trilok Singh	1st Bn., 13th F. F. Rifles.
Makhan Singh	Signal Training Centre.

Sardar Sant Singh: May I know whether there is any difference in the recommendations for the selection of the 'Y' cadets from the units as they are at present and as they were before in the time of the predecessor of the present officer—Colonel Mallock, I believe?

Mr. G. R. F. Tottenham: I believe the Honourable Member has another question on the subject on the paper, but I can assure him that there is no difference.

Captain Sardar Sher Muhammad Khan: May I know if there are any 'Y' cadets existing in the Army now-a-days?

Mr. G. R. F. Tottenham: Does the Honourable Member mean among the commissioned officers or in the ranks?

Captain Sardar Sher Muhammad Khan: In the ranks.

Mr. G. R. F. Tottenham: The 'Y' cadet is merely a term which is applied to certain persons in the ranks of the Indian Army who are selected for training as commissioned officers. Every Indian Army cadet who goes to the Academy is in that sense a 'Y' cadet.

Sardar Sant Singh: May I ask if it is a fact that several of the Indians who had joined the 'Y' cadets in the hope that they would be selected for the Dehra Dun Academy have left the service, and, if so, how many?

Mr. G. R. F. Tottenham: I cannot give the precise figures, but I think they are roughly as follows. There were 36 special enlistments of 'Y' cadets in 1930 and 1931. Out of those thirty-six, four, I believe, have resigned at their own request entirely, eight have been discharged as being unlikely to make efficient officers, twelve have already been given cadetships at the Academy, and the remaining twelve are still serving in their units and have every chance, so far as I know, of obtaining cadetships at the Academy in due course.

EMPLOYMENT OF FEMALES AS TELEPHONE OPERATORS.

33. ***Sardar Sant Singh:** (a) Will Government please state whether it is a fact that the Director General, Posts and Telegraphs, has decided to give preference to females, who invariably belong to the Anglo-Indian community, in the appointments of operators in the Telephone Branch of the Indian Posts and Telegraphs Department?

(b) Will Government please state the number of female operators, community-wise, at present employed as telephone operators at different exchanges?

(c) Will Government please state whether their observation that women are better suited than men in this particular work, is based on any facts and whether they observed any difficulties in carrying on the work at Delhi Trunk Exchange (which is the busiest and the biggest exchange in India), or anywhere else till the year 1932, when it was operated by men operators only? If they did not observe any difficulties till 1932, what led Government to condemn men operators all of a sudden? In case Government observed difficulties, why were not steps taken to remove them earlier?

(d) What vernacular standard of qualifications has been prescribed for these Anglo-Indian female operators?

(e) Will Government please state the academic qualifications of the Anglo-Indian girls employed during the last five years as operators?

The Honourable Sir Frank Noyce: (a) With the approval of Government, the Director-General has issued orders that female telephone operators should, so far as practicable, be employed in telephone exchanges in preference to male operators subject to certain conditions. The preference applies to female telephone operators of all communities.

(b) 51, of whom one is a Portuguese Indian, two are Indians and the rest Anglo-Indians.

(c) As regards the first part, the observation is based on the experience of the telephone administration of India, as well as of the telephone administrations in other parts of the world, and the measure is designed to improve the efficiency of the telephone service.

As regards the second part, Government have no information as to the position prior to 1932 in the Delhi trunk exchange.

As regards the third part, I may state that Government have not condemned men operators, all of a sudden, as will be clear from the fact that while there are more than 600 telephone operators in the department only 51 of them are females. All that Government have done is to order the employment of female operators in preference to male operators, so far as practicable. The last part of the question does not, therefore, arise.

(d) A colloquial knowledge of the prevailing local vernacular has been prescribed for all candidates including female Anglo-Indian candidates.

(e) Government have no information.

Mr. Lalchand Navalrai: May I know if this preference is being given to the females when they possess the same merits as the males, or whether, if there is any difference in the merits also, still they are preferred?

The Honourable Sir Frank Noyce: The same qualifications are laid down in both cases.

Sir Cowasji Jehangir: May I ask the Honourable Member whether there is any economy effected by employing women?

The Honourable Sir Frank Noyce: Indirectly, yes, Sir, as the wastage amongst women is greater than amongst men owing to the fact that they have an alternative career open to them, namely, marriage.

Dr. Ziauddin Ahmad: May I draw the Honourable Member's attention to the fact that in other countries females are employed in the interests of economy, but here, in India, it is the other way. May I ask, whether in India it is not more economical to employ men than women?

The Honourable Sir Frank Noyce: No, Sir. I have just said that the rates paid in both cases are the same, but there is an economy in employing women owing to the fact that when women marry, others are brought in on the minimum of the scale. The reason why women are employed in preference to men for this particular class of work is—if I may say so without disrespect in a House which consists entirely of men—that they have clearer voices and more pleasant manners. (Laughter.)

Sir Cowasji Jehangir: May I ask the Honourable Member whether, in view of unemployment in this country, he should not reconsider the position, as in all parts of the world, where there is unemployment, the question of employing women is being considered? Here unemployment is a serious problem, and women are being given the preference. I would ask the Honourable Member to consider the question from that point of view.

The Honourable Sir Frank Noyce: May I point out two facts? One is that there are roughly 600 telephone operators altogether, and that, if the employment of this number were confined to men, that would be merely a drop in the ocean as regards relief of unemployment. As to the other point, I cannot believe this House would accept the view that no work of any kind should be open to women. That seems to me—to use an expression which has been used in this House a great deal lately—a distinctly “reactionary and retrograde” proposition.

Sir Cowasji Jehangir: I would draw the Honourable Member's attention to the fact that this question is being discussed all over the world just now—and the view generally held is that women should not be employed in preference to men when there is unemployment to the extent that exists today. I believe the Honourable Member will find that in most towns in England today that question is one which has been under discussion, and I believe it has been decided that men should get preference over women when there is a question of the employment of women.

Mr. B. Das: Regarding this employment of women in the Telephone Department, may I ask whether only Anglo-Indian women are employed, or whether other Indian women are also recruited?

The Honourable Sir Frank Noyce: I would invite my Honourable friend's attention to part (b) of my reply, in which I said that there were 51 women telephone operators of whom 48 are Anglo-Indians. I would

also invite his attention to the fact that there is no preference to the members of any particular community in this respect. It does happen that at the moment Anglo-Indian women are coming forward in greater numbers for this class of employment than members of other communities, but there is no reason whatever why the existing inequality should not adjust itself in a very short time, and I very much hope it will do so.

Mr. B. Das: For the recruitment of these posts, will Government bear in mind that the Anglo-Indian women get only eight per cent. of the posts reserved for Telephone Operators?

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether it is not a fact that the Anglo-Indian employees render very good service in these posts?

The Honourable Sir Frank Noyce: I hardly think that that question arises out of this particular question. We all know the merits of Anglo-Indian employees, but I do not know that I am called upon in this connection to give them a special certificate.

Sardar Sant Singh: May I ask from the Honourable Member if, while taking into consideration the percentage of the employees belonging to the Anglo-Indian community in the Posts and Telegraphs Department as a whole, the employment of these Anglo-Indian ladies will be considered as part of the quota assigned to that community?

The Honourable Sir Frank Noyce: I should not like to answer that question off-hand. I think the probabilities are that the answer is "Yes", but I should like to have notice of the question.

RECRUITMENT OF SIKHS AS TELEPHONE OPERATORS.

34. *Sardar Sant Singh: (a) What is the number of Sikh telephone operators at Delhi, Simla and Lahore, and how do Government account for their total absence or very meagre representation at these places?

(b) In order to give the Sikhs their due share, are Government prepared to order the recruitment of Sikh operators in future vacancies? If not, why not?

The Honourable Sir Frank Noyce: (a) The number of Sikh Telephone Operators in the exchanges in question is—Delhi, one; Simla, two and Lahore, nil. The actual communal composition of any existing cadre is, as has been frequently pointed out in this House, the result of recruitment over a great many years.

(b) Government consider that the rights of minority communities, including Sikhs, to a legitimate share in all services in the Posts and Telegraphs Department, are already sufficiently protected by the orders of Government regarding the adjustment of communal inequalities.

REPLACEMENT OF UNQUALIFIED CLERKS BY QUALIFIED ONES IN THE GOVERNMENT OF INDIA OFFICES.

35. *Sardar Sant Singh: With reference to the reply to the starred question No. 968, dated the 31st August, 1934, will Government please state whether they have arrived at any decision in regard to the replacement of unqualified men—particularly those who are working against permanent and semi-permanent vacancies—in the Government of India Secretariat, including the Foreign and Political Department and their attached offices, by the candidates who have passed the competitive examination held by the Public Service Commission and are eligible for such appointments? If not, what are the difficulties and how long are they likely to take to decide this point?

The Honourable Sir Henry Craik: Government are considering the matter in consultation with the Public Service Commission and it is hoped that orders will be issued shortly.

Mr. S. Satyamurti: May I know what is meant by "shortly"? After how many months will the orders be issued?

The Honourable Sir Henry Craik: In a short period.

Mr. S. Satyamurti: After how many months, may I know?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

EMPLOYMENT OF UNQUALIFIED CLERKS IN THE FOREIGN AND POLITICAL DEPARTMENT.

36. *Sardar Sant Singh: (a) Will Government please state how many vacancies in the First, Second and Third Divisions of the clerical establishment of the Foreign and Political Department of the Government of India occurred since April, 1928, and how each of them was filled up, i.e., whether by departmental promotion or by external recruitment through the Public Service Commission?

(b) Will Government please state how many of these vacancies were (i) leave vacancies, (ii) temporary vacancies, (iii) permanent vacancies, and (iv) semi-permanent vacancies? Will they please also state in the case of (i) and (ii), the length of each vacancy?

(c) Will Government please state whether in making the promotion and appointments, the rules promulgated by the Home Department and the Public Service Commission for reservation of appointments for departmental promotion as well as external recruitment were duly given effect to? If so, how, and if not, why not?

(d) Will Government please state the number and the names of the unqualified men employed in the Foreign and Political Department and for how long each of them has been working?

(e) What claims each of these unqualified men recruited from outside will have over permanent appointments?

(f) How many of the Second and Third Division permanent men are officiating in the First and Second Divisions, respectively, of that Department? Were each of such appointments made after filling up every two or three vacancies through the Public Service Commission or from other Departments where qualified men are working in their lower divisions for which they are qualified in accordance with the Home Department Resolution?

(g) Are Government aware that most of the unqualified men so employed in the Foreign and Political Department in the Third Division are either relations of one or the other of the men at present working in that office or who have retired from there?

(h) Are Government aware that there are many appointments which could be made in either Division of the establishment during the period 1928 to 1934 but were not so filled up? If so, why were these appointments not filled up?

(i) If the answer to the first portion in part (h) be in the affirmative, is there any other Department of the Government of India where the powers delegated by the Home Department in regard to the recruitment of outsiders in temporary short vacancies have been exercised in the way as in the Foreign and Political Department? If so, which are those offices?

Mr. H. A. F. Metcalfe: (a) Eighteen, twenty-one and ten vacancies have occurred in the First, Second and Third Divisions, respectively, since 1928. Of these eighteen, sixteen and ten have been filled. Each vacancy was filled in accordance with the rules and orders of the Government of India.

(b) There are no leave and semi-permanent vacancies in the Foreign and Political Department. The number of permanent vacancies is stated in reply to part (a) of the question. To collect statistics of temporary vacancies will entail considerable time and labour which will not be commensurate with the result achieved.

(c) Yes. By appointing eligible and qualified men.

(d) A statement is placed on the table.

(e) None. Unless they qualify after appointment.

(f) Ten permanent Second Division men and twelve Routine Division men are officiating in the First and Second Divisions, respectively. To the second part, the answer is "No" because, under the rules, the Department has discretion to fill temporary vacancies by departmental promotion, if they consider it desirable to do so.

(g) No.

(h) There are only five appointments in the Second Division which have not yet been filled permanently pending certain readjustments of the cadre.

(i) The question does not arise.

Statement showing the names, etc., of unqualified men employed in the Foreign and Political Department.

Names of unqualified men employed on 1st January, 1935.	Date from which employed.	Division in which employed.	Length of service on 1st January, 1935.	Remarks.
1. Mr. S. K. Ayangar . . .	4-6-30	Upper Division.	Y. M. D. 4 6 28	These five men who originally belonged to the Bombay Secretariat have been brought on to the Foreign and Political Department cadre temporarily in the first instance on the establishment of direct relations between the Bombay States and the Government of India in April, 1933.
2. Mr. T. C. L. Shah . . .	17-2-31	Do.	3 10 15	
3. Mr. G. R. Choubal . . .	17-1-33	Do.	1 8 15	
4. Mr. C. K. Maru . . .	17-4-33	Lower Division.	1 8 15	
5. Mr. T. R. Choubal . . .	17-4-33	Do.	1 8 15	
6. Mr. D. Y. Pradhan . . .	17-4-33	Do.	1 8 15	
7. Mr. B. B. Benjamin . . .	17-4-33	Do.	1 8 15	
8. Mr. Sher Mohd. Khan . . .	4-3-30	Routine Division.	4 9 28	
9. Mr. S. K. Nundy . . .	1-11-30	Do.	4 2 0	
10. Mr. Abdul Rahman . . .	7-11-30	Do.	4 1 25	
11. Mr. G. B. Ghosh . . .	18-11-30	Do.	4 1 14	
12. Mr. Mohd. Aslam Khan . . .	23-6-32	Do.	2 6 9	
13. Mr. Sarnagat Singh . . .	24-6-32	Do.	2 6 8	
14. Mr. D. D. Sharma . . .	27-6-32	Do.	2 2 5	
15. Mr. Habiulla Jan . . .	28-10-32	Do.	2 2 4	
16. Mrs. M. S. Hosley . . .	3-11-33	Do.	2 1 29	
17. Miss G. L. Robertson . . .	22-11-32	Do.	2 1 1	
18. Mr. Nabi-ul-Hasan . . .	26-11-32	Do.	2 1 6	
19. Mr. M. S. Sharma . . .	30-11-3	Do.	2 1 2	
20. Mr. Teja Singh . . .	2-11-32	Do.	2 1 0	
21. Mr. Banwari Lal . . .	24-7-33	Do.	1 5 8	
22. Mr. S. K. Roy . . .	21-9-33	Do.	1 11	
23. Mr. Asmat Ali . . .	23-10-33	Do.	1 2 9	
24. Mr. Tufail Ahmed . . .	7-7-34	Do.	0 5 23	
25. Mr. A. Narasinga Rao . . .	17-9-34	Do.	0 3 15	
26. Mr. C. Jacob . . .	1-11-34	Do.	0 2 0	
27. Mr. Mohd. Tahir . . .	1-11-34	Do.	0 2 0	
28. Mr. C. R. deMagry . . .	13-12-34	Do.	0 0 19	
29. Mr. K. P. Bose . . .	13-12-34	Do.	0 0 19	
30. Mr. Mohd. Rafiq . . .	13-12-34	Do.	0 0 19	
31. Mr. N. N. Kalia . . .	13-12-34	Do.	0 0 19	

Mr. Lalchand Navalrai: May I know, Sir, whether these temporary appointments, when they are made and when they are going to be made permanent, are made through the Public Service Commission or by the Department itself?

Mr. H. A. F. Metcalfe: They are made in accordance with the instructions issued by the Home Department.

Mr. Lalchand Navalrai: May I know what those instructions are?

Mr. H. A. F. Metcalfe: They can be laid on the table, if necessary. I have not got them here.

Mr. Ahmed Ebrahim Haroon Jaffer: May I ask if any consideration is paid to the ratio of 25 per cent. which is fixed by Government and are the claims of Muhammadans considered by giving them these appointments?

Mr. H. A. F. Metcalfe: I do not know exactly what the Honourable Member means by the 25 per cent. ratio.

Mr. Ahmed Ebrahim Haroon Jaffer: My question is that when Government fill these appointments by recruiting members from outside, do they consider the fact of 25 per cent. ratio fixed for the employment of Muhammadans to these posts?

Mr. H. A. F. Metcalfe: The Honourable the Home Member informs me that that will certainly be kept in mind with regard to the question which he just answered.

Mr. Ahmed Ebrahim Haroon Jaffer: May I know the procedure adopted in making these appointments? For example, there are four appointments to be filled up, will one of these appointment go to the Muhammadans?

Mr. H. A. F. Metcalfe: I am not in a position to give the Honourable Member details at the present moment. If he wishes to ask a question of that sort, he had better put it down on the paper.

UNQUALIFIED CLERKS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

37. ***Sardar Sant Singh:** Will Government please place on the table a statement showing the names of the unqualified men employed by each Department and the length of service each one has put in?

The Honourable Sir Henry Craik: The information is being collected and will be laid on the table in due course.

NON-EMPLOYMENT OF QUALIFIED CLERKS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

38. ***Sardar Sant Singh:** (a) Are Government aware that recently in the Legislative Department there was a vacancy in the Second Division which was given to one of their departmental men by promotion and the vacancy thus created in the Third Division was filled up by a Muhammadan qualified for the Second Division after thorough search by the Public Service Commission?

(b) Are Government aware that similarly there are many men working in the different offices of the Government of India and their attached offices in the Third Division and are qualified for the Second Division since 1925?

(c) Are Government further aware that these qualified men have so far neither been promoted permanently in their own offices nor the Foreign and Political Department, nor any other Department where vacancies have often occurred since then, nor has it been tried to secure the services of these qualified candidates either through the Public Service Commission or by enquiry from different offices, as sometimes many departments do?

(d) How many vacancies were filled up recently in the Foreign and Political Department in the different grades and how was each of them filled up?

(e) Is it a fact that they have asked for sanction for additional staff?

(f) In view of the above-mentioned facts, do Government propose to appoint a small committee of this House to look into these affairs in order to have the right thing done by the qualified men? If not, why not?

The Honourable Sir Henry Craik: (a) and (b). Yes.

(c) I would invite the Honourable Member's attention to the answers given by my predecessor to Mr. Uppi Sahab Bahadur's questions Nos. 305 and 306 on the 2nd March, 1934, from which it will be seen that Government have made all reasonable provision for the promotion of qualified candidates. Transfers from one Department or office to another, in the same grade, are also permitted on certain conditions and can be arranged direct between the Departments concerned, but candidates cannot claim to be provided for by transfer.

(d) During the last six months, one vacancy in the First Division has occurred and it will be filled by the promotion of a qualified departmental candidate.

(e) Yes, for temporary staff.

(f) Government see no reason to appoint a Committee of the Assembly to deal with a departmental matter of this kind.

APPOINTMENT OF AN INDIAN IN THE CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

39. ***Sardar Sant Singh:** Will Government please state if any vacancy occurred in the Cypher Bureau of the Foreign and Political Department

since the reply to starred question No. 69, dated the 20th August, 1934, and whether any Indian was appointed in it? How long is it likely to take to open this Branch to the Indians?

Mr. H. A. F. Metcalfe: No.

Recruitment will be open to Indians in vacancies occurring after the new cyphers have been brought into use. This date is as yet uncertain.

Sardar Sant Singh: May I ask how long will it take to bring the new rules of cypher into force?

Mr. H. A. F. Metcalfe: It is not a question of bringing in new rules; it is a question of introducing new cyphers which are the property of the Government of India and not of His Majesty's Government. I trust that the new cyphers will be ready within the next few months, but the House will understand that it would be extremely undesirable to give public information as to the exact time when the new cyphers will be introduced.

RECRUITMENT OF A SIKH IN THE STATISTICAL RESEARCH BRANCH OF THE COMMERCIAL INTELLIGENCE AND STATISTICS DEPARTMENT.

40. ***Sardar Sant Singh:** Will Government please state the number of temporary, leave and permanent vacancies that occurred since January 1934, in the Statistical Research Branch of the Commercial Intelligence and Statistics Department and whether any steps were taken by Government to recruit a Sikh? If not, why not?

The Honourable Sir Joseph Bhore: There have been one temporary and four leave vacancies in the Statistical Research Branch of the Department of Commercial Intelligence and Statistics. No permanent vacancy occurred as the Branch is temporary. The claims of Sikh candidates, whose names are on the register maintained by the Commercial Intelligence and Statistics Department, were considered, but no suitable candidate was immediately available.

OCCUPATION WITHOUT PAYING RENT OF A GOVERNMENT QUARTER IN NEW DELHI BY A CONTRACTOR.

41. ***Sardar Sant Singh:** (a) Is it a fact that a contractor has been occupying a Government quarter in Schedule B at New Delhi without rent? If so, who allowed him to live in a Government building and under what rules?

(b) Are Government prepared to realize rent from him now? If not, why not?

The Honourable Sir Frank Noyce: (a) Eight peons' quarters in Schedule B in the Viceregal Estate, New Delhi, have been allotted, rent free, with the sanction of the Government of India, to petty contractors and shopkeepers.

(b) No; the shops maintained by the contractors have to be kept open all the year round, and the concession allowed them is reasonable.

EXCLUSION OF SIKHS FOR EMPLOYMENT AS EXTRA ASSISTANT SUPERINTENDENTS OF THE SURVEY DEPARTMENT.

42. ***Sardar Sant Singh:** (a) Have Government seen the "Hand Book of General Instructions, Volume II"? If so, do Government subscribe to the policy laid down therein that 40 per cent. appointments of the Extra Assistant Superintendents of the Survey Department are reserved for Anglo-Indians and at least half of the remaining, i.e., 30 per cent. for Muslims? If so, who fixed this proportion and when?

(b) Has there been any alliance between the Muslims and the Anglo-Indians of the Survey Department in this matter? If not, why has no mention been made of the Sikhs or other communities?

Mr. G. S. Bajpai: (a) Yes. These proportions were fixed by the Government of India, with the approval of the Secretary of State, in 1920, for a period of five years. Since 1925, candidates to the Survey of India, Class II, have been recruited in the proportion of two Anglo-Indians, two Muhammadans and three non-Muhammadan Indians, but of the 60 officers, actually in employment today, 26 are Anglo-Indians, 22 Hindus, one Sikh and 11 Muhammadans. These proportions are of course liable to revision.

(b) Instructions for recruitment are issued by the Government of India. Sikhs are included amongst non-Muhammadans and one was actually appointed in 1933.

Sardar Sant Singh: May I ask, Sir, how is it that in this particular branch the Sikhs are included amongst non-Muslims?

Mr. G. S. Bajpai: That has been the practice of the Department and I presume that the Sikh is a non-Muslim. My Honourable friend does not dispute that.

Sardar Sant Singh: May I inform my Honourable friend that the expression "non-Muslims" is too general a term and it can include even the Germans and the French? Will the Honourable Member say how is it that, though the policy has been changed in the Railway Department and the Sikhs have been allotted a separate column for statistical purposes, his Department does not follow the same rule?

Mr. G. S. Bajpai: Sir, inasmuch as appointments to the Survey of India are reserved for Indians, that is to say, Statutory Indians and Indians, Germans and Frenchmen do not enter into our consideration at all. As regards the rest, when we do reconsider the proportions which are now in force, my Honourable friend's suggestion that the Sikh should be specifically called a Sikh will be borne in mind.

UNSTARRED QUESTIONS AND ANSWERS.

EMPLOYEES IN THE KARACHI DIVISION OF THE NORTH WESTERN RAILWAY.

1. **Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Honourable Member for Railways be pleased to give the following information, in a tabular form, in respect of employees in the Karachi Division of the North Western Railway?

Particulars of employees.	Percentage of their population in the province of Sind.	Guards (State grade and salary).	Station Masters (State grade and salary).	A. S. Ms. (State grade and salary).	Signalers (State grade and salary).	Engine Drivers (State grade and salary).	Firemen (State grade and salary).	Booking Clerks (State grade and salary).	Goods and Train Clerks (State grade and salary).	Watch and Ward Inspectors (State grade and salary).	Watch and Ward Staff (State grade and salary).	Permanent Ways Inspectors (State grade and salary).	Sub-Permanent Way Inspector (State grade and salary).
Pure Sindhi Muslims													
Non-Sindhi Muslims													
Christians													
Anglo-Indians													
Europeans													
Paraces													
Other Communities													
Total													

Particulars of employees.	Works Inspectors (State grade and salary).	Assistant Works Inspectors (State grade and salary).	S. T. Os. (State grade and salary).	T. Is. (State grade and salary).	C. Is. (State grade and salary).	Ticket Collectors (State grade and salary).	T. T. Examiners (State grade and salary).	Inspectors of Coaching and Goods.	Claims Inspectors.	Inter-Locking Inspectors.	Foremen in Workshops.	Total
Pure Sindhi Muslims												
Non-Sindhi Muslims												
Christians												
Anglo-Indians												
Europeans												
Paraces												
Other Communities												
Total												

Mr. P. R. Rau: Government regret they are unable to supplement with figures for individual offices or divisions the information in regard to communal representation in railway services which is given in the Annual Report by the Railway Board on Indian Railways.

CASES DECIDED *EX PARTE* BY THE INCOME-TAX OFFICERS IN SIND.

2. **Mr. Nabi Baksh Illahi Baksh Bhutto:** Will Government be pleased to state:

- the number of cases decided *ex parte* by the Income-tax Officers in Sind within the last seven years;
- the number of such decisions revised or set aside in appeal; and
- the number of cases decided by the Income-tax Officers on information gleaned by them from private sources as to the assets and income of the assesseees?

Mr. A. J. Raisman: (a), (b) and (c). Statistics are not compiled on such lines as to supply the answer to the Honourable Member's question. That answer could only be obtained from a study of all the proceedings—original, appellate, and revisional—arising in connection with assessments in Sind for a period of seven years; and this would involve an expenditure of time and labour which would be entirely incommensurate with the value of the results secured.

COMMUNAL COMPOSITION OF INCOME-TAX OFFICERS AND EXAMINERS IN SIND.

3. **Mr. Nabi Baksh Illahi Baksh Bhutto:** Will Government be pleased to state:

- the number of Sindhi Mussalmans serving as Income-tax Officers and Assistant Income-tax Officers in Sind at present;
- the number of non-Muslim Income-tax Officers and Assistant Income-tax Officers serving at present in Sind;
- the number of Muslim Income-tax Examiners in Sind;
- the number of non-Muslim Income-tax Examiners in Sind;
- the number of Muslim Income-tax Inspectors in Sind; and
- the number of non-Muslims serving as Income-tax Inspectors?

Mr. A. J. Raisman: (a) and (b). Sindhi Mussalman one and non-Muslims seven. There is no post of Assistant Income-tax Officer in Sind.

- one.
- seven.
- three.
- three.

PROTECTED ANCIENT MONUMENTS IN SIND.

4. **Mr. Nabi Baksh Illahi Baksh Bhutto:** Will Government be pleased to place on the table:

(a) a list of protected ancient monuments in Sind;

(b) a statement showing the figures of annual expenditure incurred on repairs to and maintenance of each of such monuments?

Mr. G. S. Bajpai: (a) A list is laid on the table.

(b) If the Honourable Member will kindly specify the period for which the information is required, an effort will be made to supply it.

List of Protected Ancient Monuments in Sind.

District (Revenue.)	Locality.	Name of monument.
Hyderabad	Hyderabad	Tomb of Gulam Shah Kalhora.
Do.	Do.	Tomb of Gulam Nabi Khan Kalhora.
Do.	Do.	Tomb of Sarfaraz Khan Kalhora.
Do.	Do.	Haram of (Talpur) Mirs in the Hyderabad fort.
Do.	Do.	Ruins of old city at Badin (Southern half of No. 59).
Do.	(Gaja) a few miles from Tando Muhammad Khann	Buddhist stupa.
Nawabshah	Village Mir Rukan	Thul or Buddhist stupa.
Do.	Deh of village Nur Muhammad (about seven miles off Daulatpur).	Tomb of Nur Muhammad Kalhora.
Do.	Shahpur	Kuba Mir Shahad.
Karachi.	Tatta	Dabgir masjid.
Do.	Do.	Jami masjid.
Do.	Do.	Jam Nizamuddin's tomb.
Do.	Do.	Baradari.
Do.	Do.	Nawab Amir Khalil Khan's tomb.
Do.	Do.	Nawab Isakhan's tomb.
Do.	Do.	Nawab Surfa Khan's tomb.

District (Revenue).	Locality.	Name of Monument.
Karachi	Tatta	Tughral Beg's tomb.
Do.	Do.	Mirza Jani Beg's tomb.
Do.	Do.	Tombs of Zenana of Nawab Isakhan.
Do.	Do.	Mirza Isakhan's tomb.
Do.	Do.	Kalan Kot.
Do.	Mirpur Sakro (Bhamoor)	Sasin-jo-Takar.
Do.	Do.	Jam Bijar fort.
Do.	Tatta	(1) Stone tomb with a dome on stone pillars by the side of Mirza Jani Beg's tomb.
Do.	Do.	(2) Brick masjid and enclosures near Nawab Surfa Khan's tomb, supposed to be the tomb of Syed Amir Khan.
Do.	Do.	(3) Large brick dome near Khalil Khan's tomb.
Do.	Do.	(4) Stone tomb with enclosure to the south of Mirza Isa Khan's tomb.
Do.	Do.	(5) Tomb with enclosure to the north of Mirza Isa Khan's tomb.
Do.	Do.	(6) Brick tomb near the tomb of Aulia Pir.
Do.	Do.	(7) Tomb with superstructure on stone pillars to the north of the tomb of Jam Nizam-ud-din.
Do.	Do.	(8) Brick structure to the north of the tomb of Jam Nizam-ud-din.
Do.	Do.	(9 & 10) Two pavilions on stone pillars over tombs to the south-west of tomb of Jam Nizam-ud-din.
Do.	Do.	(11) Tomb of Mubarak Khan, son of Jam Nizam-ud-din to the west of No. 9.
Do.	Do.	(12) Brick dome to the north of the tomb of Mubarak Khan.
Do.	Do.	(13) Tomb and compound wall of yellow stone at a distance from and to the south of the tomb of Jam Nizam-ud-din.
Do.	Do.	(14) Tomb and enclosure to the south west of No. 13.

District (Revenue).	Locality.	Name of monument.
Karachi . . .	Tatta . . .	(15) Tomb and enclosure to the west of No. 14.
Do.	Do.	(16) Brick dome to the south of No. 15.
Do.	Do.	(17) Tomb and compound wall of yellow stone to the south of No. 16.
Do.	Between Landi and Sanro	Chaukhandi tomb.
Do.	Khudabad . . .	Tomb of Yar Muhammad Khan Kalhora and its adjoining Masjid.
Do.	Do.	Jumma masjid.
Do.	Sehwan	The fort.
Larkana . . .	Mitho-daro . . .	Jhukar mound
Do.	Mohenjodaro . . .	Buddhist stupa.
Do.	Do.	Buddhist monastery.
Do.	Near Dhamrao . . .	Square tower.
Do.	Delh Dhamraho . . .	Three groups of mounds known as Dhamraha Dero.
Sukkur	Rohri	Shrine known as Satyan-jo-than.
Do.	Sukkur	Mir Masum's minars.
Thar and Parker . . .	Mirpurkhas S. No. 7 . . .	The main Buddhist stupa 150' x 150' square piece of land, with various other small votive stupas, rooms platforms, 239' x 150' x 195' triangular piece of land.
Do.	Bhodesar	A stone mosque with white marble pillars.
Do.	Do.	Temple I.
Do.	Do.	Temple II.
Do.	Do.	Temple IV.
Do.	Virawah	Jain temple.
Do.	Naokot	Fort.
Do.	Umarkot	Fort.

INCOME AND EXPENDITURE OF THE GOVERNMENT OF INDIA IN BURMA UNDER CERTAIN HEADS.

5. **Mr. Muhammad Anwar-ul-Aziz:** Will Government please state the total income and expenditure of the Government of India in Burma under the following heads: (1) Customs, (2) Posts and Telegraphs and (3) Military Defence?

The Honourable Sir James Grigg: (1) The total customs revenue realised in Burma during 1933-34 was Rs. 9,26,95,000, but this figure includes the excise duty on motor spirit and kerosene consumed in India, for which separate figures are not yet available. The total customs expenditure in Burma was Rs. 8,53,000.

(2) Rs. 71,20,000 and Rs. 89,40,000 respectively in 1933-34.

(3) It is not possible to separate Defence expenditure in Burma from the rest of the Defence expenditure. But it has been estimated that if Burma were separated from India, there would be a net saving of about a crore.

EFFECT OF CHRISTMAS CONCESSIONS ON VARIOUS RAILWAYS.

6. **Mr. V. V. Giri:** Will Government be pleased to lay a statement on the table showing the effect of Christmas Railway concessions on various Railways, comparing the corresponding traffic in previous years?

Mr. P. R. Rau: To judge with any approach to definiteness the effect of the concessions which Railways allow during the Christmas holidays, it is necessary to compare statistics for years before the concession was started with statistics for later years. Such concessions have been in existence now on most railways for a long period and there are no recorded statistics for periods before the concessions were first given.

CONSTITUTION AND WORKING OF STAFF COMMITTEES ON STATE RAILWAYS.

7. **Mr. V. V. Giri:** Will Government be pleased to lay a statement on the table showing the constitution and the working of various Staff Committees on different State-owned Railways?

Mr. P. R. Rau: The information is being collected and will be laid on the table in due course.

REPRESENTATIONS MADE BY THE ALL-INDIA RAILWAYMEN'S FEDERATION TO THE RAILWAY BOARD.

8. **Mr. V. V. Giri:** Will Government be pleased to lay a statement on the table showing the various representations made by the All-India Railwaymen's Federation to the Railway Board since 1930, and the action taken by the Board in respect of each of the representations?

Mr. P. R. Rau: A statement is being prepared giving information about the action taken on the more important points raised by the Federation, and will be laid on the table when ready.

PROCEEDINGS OF THE HALF-YEARLY MEETINGS BETWEEN THE RAILWAY BOARD
AND THE AGENTS OF RAILWAYS.

9. **Mr. V. V. Giri:** Will Government be pleased to lay on the table a copy of the proceedings of the half-yearly meetings between the Railway Board and the Agents, Class I Railways?

Mr. P. R. Rau: These proceedings are departmental documents and are not meant for publication. Government regret, therefore, being unable to comply with the Honourable Member's request.

PROCEEDINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

10. **Mr. V. V. Giri:** Are Government aware that Indian Railway Conference Association have a Personnel Branch attached to them, and if so, will Government be pleased to lay on the table a copy of all the proceedings of the Indian Railway Conference Association received by them?

Mr. P. R. Rau: The Indian Railway Conference Association have constituted a Personnel Section to examine and report on business relating to personnel matters referred to it by the President. The printed proceedings of the Indian Railway Conference Association are not intended for public use and Government are unable, therefore, to comply with my Honourable friend's request.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE ROYAL COMMISSION ON
LABOUR BY THE RAILWAY BOARD AND RAILWAY ADMINISTRATIONS.

11. **Mr. V. V. Giri:** Will Government be pleased to lay a statement on the table showing the action taken by the Railway Board, and the various Railway Administrations in respect of the various recommendations of the Royal Commission on Labour in India?

Mr. P. R. Rau: I would refer the Honourable Member to the first and second reports showing the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India which are available in the Library. These include the action taken by the Railway Department. The third report on this subject is in the press and copies of it will be circulated to Members shortly.

VIEWS OF THE RAILWAY BOARD ON THE JOINT STANDING MACHINERY.

12. **Mr. V. V. Giri:** Will Government be pleased to lay a statement on the table containing the views of the Railway Board on the joint Standing Machinery and the decision of the Government of India on the recommendations of the Railway Board and representations of the All-India Railwaymen's Federation in this connection?

Mr. P. R. Rau: The views of the Railway Board have been submitted to the Government of India and are at present under consideration. Government regret they are unable to make a statement on the question at this stage.

REVENUE AND EXPENDITURE OF THE KAMARAN QUARANTINE STATION.

13. **Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state the revenue and expenditure of the Kamaran Quarantine Station with details, stating separately the amounts of (a) salaries, (b) pensions, (c) allowances, (d) supplies and services, contingencies and other expenses, (e) capital expenditure, etc., for each year from 1915 up to date, and the surplus or deficit thereof?

Mr. G. S. Bajpai: With your permission, Sir, I propose to answer questions Nos. 13 and 14 together. The information asked for by the Honourable Member is not readily available, and Government consider that the labour involved in collecting it will be quite disproportionate to its possible value.

AVERAGE EXPENSE PER PILGRIM AT THE KAMARAN QUARANTINE STATION.

14. **Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state the average expense per head of pilgrims at the Kamaran Quarantine Station in each year from 1919 up to date, both excluding and including pensions, allowances and capital expenditure?

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON
ROADS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Committee on Roads, namely:

- (1) Mr. Sham Lal,
- (2) Mr. G. Morgan,
- (3) Captain Rao Bahadur Chaudhri Lal Chand,
- (4) Mr. Deep Narayan Singh,
- (5) Mr. Umar Aly Shah, and
- (6) Sardar Mangal Singh.

ELECTION OF MEMBERS TO SERVE ON THE RESERVE BANK OF
INDIA (ISSUE AND ALLOTMENT OF SHARES) COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that Mr. Sri Prakasa and Seth Haji Abdoola Haroon have been elected to serve on the Reserve Bank of India Committee.

ELECTION OF DEPUTY PRESIDENT.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that Mr. D. K. Lahiri Chaudhury has intimated to me that he has withdrawn his candidature for the office of Deputy President. There is, therefore, only one candidate left, namely, Mr. Akhil Chandra Datta, whom, under the provisions of Standing Order 5(3), I declare to be duly elected as Deputy President. (Applause.) Under the Government of India Act, this election requires His Excellency the Governor General's approval, which will be sought and announced to the House in due course.

†For answer to this question, see answer to question No. 13.

Mr. President (The Honourable Sir Abdur Rahim): I should like to inform the House that it is extremely desirable that Honourable Members should intimate to the office by Thursday noon next the name of the Party to which they belong, because the final allotment of seats in the Chamber will be made by me on Friday, the 8th February, and, after that, no alteration will be made in the seating arrangements during the present Session.

RESOLUTION RE REMOVAL OF BAN ON THE KHUDAI KHIDMATGARS' ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"This Assembly recommends to the Governor General in Council to take immediate and necessary steps to remove or cause to be removed the ban on the Khudai Khidmatgars' organisation in the North-West Frontier Province."

Sir, I consider this an auspicious occasion to discuss a Resolution of this type when I find that people who took part in the Frontier movement, whether it is the Khudai Khidmatgar movement or whether it is running the official administration of that Province, are present here on the floor of this House. I am particularly happy to find my Honourable friend, Mr. Metcalfe, present here, and if he likes he can throw some light which his predecessors

Mr. H. A. F. Metcalfe (Foreign Secretary): On a point of explanation, Sir. May I say that I took no part in the Khudai Khidmatgar movement?

Mr. B. Das: As the head of a district, my Honourable friend, Mr. Metcalfe, had to administer the laws as they stood then or the Ordinances that were promulgated thereafter. I particularly welcome my Honourable friend, Dr. Khan Sahib (Applause) on the floor of this House who suffered from repression in the North-West Frontier Province, and although the Doctor is a free man and an honoured Member of this House, some of the volunteers belonging to the Khudai Khidmatgar movement are still in jail and others are banned not to carry out their peaceful service to the people of the North-West Frontier Province. I am also glad that my Honourable friend, Major Nawab Ahmad Nawaz Khan, is here (Hear, hear), and he is here, because my Honourable friend, Dr. Khan Sahib, and his noble brother, the Frontier Gandhi, started the movement which brought the new Constitution to the North-West Frontier Province. (Hear, hear.) If there was no new Constitution for the North-West Frontier Province, Sir Abdul Qayum would have been here representing that province and my Honourable friend, Major Nawab Ahmad Nawaz Khan, would not be here to lend his whole-hearted support to Government on every occasion. Lastly, I welcome the presence of my Honourable friend, Sir Henry Craik, because this House had been discussing this subject of the Khudai Khidmatgar movement and the repression in the North-West Frontier Province for the last five years and his two predecessors maintained a frame

of mind which the present Home Member has not maintained. His predecessor in office, Sir Harry Haig, before he retired from the Home Membership on leave and subsequently to occupy the exalted position of Governor, spoke on the floor of the House, while this House asked questions about the release of Khan Abdul Ghaffar Khan, leader of the Khudai Khidmatgar movement, and said that he was connected with the Khudai Khidmatgar movement and that it was a movement of a definitely revolutionary character, and that, therefore, he could not be permitted to be free, and, yet, a month or two thereafter, my Honourable friend, Sir Henry Craik, after assuming office, had at last appreciated that the demand of the public for the release of Khan Abdul Ghaffar Khan, and his brother, Dr. Khan Sahib, was a legitimate one—that he has conceded—and he released both those leaders. The point is that the Government have released the leaders who were supposed to incite lakhs of people in the North West Frontier Province who were known at the time as Khudai Khidmatgars and whom the officials nicknamed as the "Red Shirts", because the Government of India and the Frontier Government felt that, by dubbing these noble band of workers as Red Shirts, they would create such a tremor in the hearts of loyalists like my Honourable friend, Major Nawab Ahmad Nawaz Khan, that they would rouse revulsion against the movement. I am using this name, "Red Shirts", but, of course, in the eyes of the public and the press, "Khudai Khidmatgars" mean the servants of the nation.

An Honourable Member: Servants of God.

Mr. B. Das: I beg your pardon,—Servants of God. As my Honourable friend, Mr. Joshi, is there as the servant of India, and as I feel myself as a servant of the nation, these millions of youth in the North-West Frontier Province were trained to be servants of God, to serve God and humanity in the most non-violent ways. Sir, this Khudai Khidmatgar society was formed in 1930. Originally it was purely a social service organisation doing social services in the North-West Frontier Province. Khan Abdul Ghaffar Khan attended the Karachi Congress, and, thereafter, merged himself with his co-workers into the Congress movement, and so these noble volunteers belonging to the Khudai Khidmatgar movement worked with the same non-violent spirit as the Congress volunteers all over the country, be it in Bombay, Calcutta, or my own town of Cuttack, or Madras or Allahabad—in fact all over India. But, in 1930, the Frontier Government, which was still a Chief Commissioner's Government, carried out the principles of the Denys Bray Committee which laid down that the North-West Frontier Province was a powder magazine, and that, therefore, its people should not be allowed any freedom, or even the Montford reforms, and, on the 10th May, 1930, the Chief Commissioner of that Government was so much frightened of the Congress organisations and the Congress movement that he addressed a communiqué to the Khans which shows how he then misunderstood the situation:

"To the Khans, Chiefs and leading men of the district and the City: You people have personally witnessed how the Congress Committee have tried and are still trying to upset the system of Government established by law."

The Honourable Sir Henry Craik (Home Member): May I ask the Honourable Member what he is reading from?

Mr. B. Das: I am reading from a communiqué of the Chief Commissioner of the North-West Frontier Province, that was issued from Peshawar on the 10th May, 1930. I am showing instances as to how the Government officials at the time looked on the Congress with feelings of hatred and suspicion:

"Is the Congress going to leave with you your landed property, *jagirs* and *rauqis*? Is it going to protect your frontiers? Will it maintain law and order amongst the people? * * *

Now it is high time for you to help the Government, which has ever been benevolent to you and has done justice towards you. What help can you render to the Government? You must prevent Congress volunteers, wearing red jackets, from entering your villages. They call themselves Khudai Khidmatgars (servants of God). But in reality they are the servants of Gandhi. They wear the dress of Bolsheviks, and they are nothing but Bolsheviks. They will create the same atmosphere as you have heard in Bolshevik dominion."

This taught the people of the North-West Frontier Province what really the doctrines of Bolshevism were. This shows what the Chief Commissioner of the North-West Frontier Province thought in 1930. On the 6th May, the Government of India issued a long communiqué from which I will read one sentence:

"Agitators belonging to the Congress and the Naujawan Bharat Sabha have been attempting to produce unrest in the North-West Frontier Province. . . . Regardless of the fact that the Congress party as a whole were among the most enthusiastic supporters of the Sarda Act in the Legislative Assembly, Congress workers in the North-West Frontier Province have, in their attempts to sow dissension between Government and the people, done their utmost to misrepresent its objects and provisions," etc.

Both these communiqués of 1930 were insidious attempts to undermine and insult the Congress at the time. After this communiqué, everybody knows the incidents that happened in the Frontier Province and particularly the riots that took place all over the frontier. I quote from a reply of Sir Harry Haig that the riots took place in Peshawar, Kohat, Banaru, Dera Ismail Khan, Charsadda with Prang, and Utmanzai. In all these places, in their fright of the non-violent movement of the Khudai Khidmatgars who were doing social service work and organising the people in the service of their motherland as volunteers and Congress workers all over India, Government started these riots. I have read the reports of both the Sulaiman Committee which was appointed by Government and the Patel Committee which was appointed by the Congress and was presided over by Mr. V. J. Patel, the ex-President of the Assembly; and although the Sulaiman Committee absolved the Frontier Government from all blame in connection with the Peshawar riot and the other riots, it is well known, not only in India, but even in Britain, that the North-West Frontier Government lost their heads.

Mr. H. A. F. Metcalfe: May I ask if the Honourable Member intends to imply that the Peshawar riots, regarding which the Sulaiman report was written, was the work of the Khudai Khidmatgars? You will remember, Sir, that this Peshawar riot, regarding which both the Sulaiman report and the Patel report were written, took place in Peshawar City. Does the Honourable Member attribute that to the Khudai Khidmatgars? It is rather an important point.

Mr. B. Das: I do not attribute anything, but I attribute something to this communiqué of the Chief Commissioner of the North-West Frontier Province which mentions the name of the Khudai Khidmatgars.

Mr. H. A. F. Metcalfe: Not I think in connection with the Peshawar City riots which have never been attributed to the Khudai Khidmatgars, nor have they been regarded as being concerned with it.

Mr. B. Das: This admission comes from my Honourable friend, Mr. Metcalfe, who knows about it much better than any of us who live in these parts of India, because he was Deputy Commissioner of Peshawar at the time. So I must accept his verdict in this matter that the young volunteers were in no way connected with the Peshawar riots.

Mr. H. A. F. Metcalfe: My point is that, if they were not, then all that the Honourable Member is saying about the Peshawar riots is wholly irrelevant to this discussion.

Mr. B. Das: That may be my Honourable friend's personal opinion, but I am going to demonstrate . . .

Mr. President (The Honourable Sir Abdur Rahim): How does the Honourable Member make it relevant?

Mr. B. Das: I am going to prove that all these riots that took place in Peshawar and other places were due to the panicky condition of the Chief Commissioner of the province; and the subsequent action of that Government to suppress the Congress movement is not an isolated instance, but one connected policy.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has to make out that connection.

Mr. B. Das: Yes, Sir. I began my speech by saying that Sir Harry Haig said that Khan Abdul Khaffar Khan is a revolutionary and Government mentioned in their statement that Khan Abdul Ghaffar Khan is the founder of the Khudai Khidmatgar movement.

Mr. H. A. F. Metcalfe: Is that denied?

Mr. B. Das: I deny nothing, but if that be so, why is it that the Government, in the different communiqués, have pointed out that somehow the Frontier Gandhi was directly or indirectly connected with all these riots that took place in the North-West Frontier Province?

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I ask the Honourable gentleman as to what is the definition of "revolution"?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

Mr. B. Das: Sir I wish to remind the House of the Gandhi-Willingdon correspondence and the telegrams that passed between Mahatma Gandhi and the Private Secretary to the Viceroy after Mahatma Gandhi's futile

[Mr. B. Das.]

attendance at the second Round Table Conference and his return. Telegram from the Private Secretary to the Viceroy to Mr. Gandhi, dated 31st December,—and now my Honourable friend, Mr. Metcalfe, will realise how the things are connected:

"In North-West Frontier Province Abdul Ghaffar Khan and bodies he controlled have continuously engaged in activities against Government and in fomenting racial hatred. He and his friends have persistently refused all overtures by the Chief Commissioner to secure their co-operation and rejecting the declaration of the Prime Minister, have declared in favour of complete independence. Abdul Ghaffar Khan has delivered numerous speeches open to no other construction than as incitements to revolution and his adherents have attempted to stir trouble in tribal area. The Chief Commissioner with the approval of His Excellency's Government has shown utmost forbearance and to the last moment continued his efforts to secure assistance of Abdul Ghaffar Khan in carrying into effect, with the least possible delay, the intentions of His Majesty's Government regarding constitutional reforms in the province. . . . His Excellency understands that Abdul Ghaffar Khan was in August last made responsible for leading Congress movement in province, and that volunteer organisations he controlled were specifically recognized by All-India Congress Committee as Congress organisations."

I will now quote one sentence contained in the telegram of Mahatma Gandhi to the Private Secretary to His Excellency the Viceroy of the 1st January, 1932. He says:

"If Khan Sahib Abdul Ghaffar asserted the right of complete independence, it was a natural claim and the claim made with impunity by the Congress at Lahore in 1929 and by me with energy put before the British Government in London. Moreover, let me remind the Viceroy that despite knowledge on Government's part that Congress mandate contained such claim, I was invited to attend London Conference as Congress delegate."

Then, Mahatma Gandhi comments on the Chief Commissioner's accusation that Khan Abdul Ghaffar Khan and Dr. Khan Sahib did not attend a Durbar and that was their guilt. Many of us do not attend Durbars intentionally and through other engagements at times. But these are the sequence of events. Before I proceed further, I may say that if the North-West Frontier Province got any Constitution, it is solely due to the noble work of the Frontier Gandhi in the country and in the Congress camp. I may remind the House that the same Chief Commissioner, who condemned the frontier people by mercilessly shooting them down in different places and the towns I have mentioned, had suddenly to resign and leave India and go away to England, and, thereafter, the Frontier Province was made into a Governor's province. I may remind the Honourable the Home Member that it was Sir Norman Bolton who had suddenly to resign and leave India. Then came the end of the year 1931 when these Ordinances were promulgated—those Ordinances which made many of my friends present here today to rot in jail for years. When the Frontier Ordinance was promulgated, a loyal friend of the Government of India and a very prominent Member of this House, also, now no more, the late Sir Zulfiqar Ali Khan, wept bitter tears and issued a statement from which I would like to quote one or two extracts for the enlightenment of the Honourable the Home Member—I think he must have read it as Sir Zulfiqar was his great friend. Sir Zulfiqar Ali Khan was then a Member of this Assembly on the 28th December when this Ordinance was published. . . .

Major Nawab Ahmad Nawaz Khan: Which year?

Mr. B. Das: The year in which the Ordinances were introduced: my friend has nothing to fear from Ordinances: he is too much of a loyalist. Sir Zulfiqar Ali Khan said:

"Government are riding a tidal wave of repressive policy and have opened the campaign without waiting for Mr. Gandhi's decision. I have no doubt that the exasperation caused by this policy of repression *la' outrage* will sweep away Mr. Gandhi and others and will leave the field in the possession of the desperate youth of the country."

This is from a very elderly statesman who was a member of the Central Committee of the Simon Commission. He further says:

"The Frontier Province unfortunately is the first to bear the brunt of the fight in which thousands may be shot down and this shedding of the blood may cause resentment among the Moslems in other provinces who have so far abstained from participation in anti-British propaganda etc., etc."

This was said by a great friend, both of the Punjab Government and of the Government of India. The question is, why is it that while the Government have seen their way to release the leaders who conceived the idea of this service to the people of the Frontier, they do not remove the ban on these Khudai Khidmatgars? They did work as any Congress volunteer has worked in any other part of India. If in the Bombay city and in other places Congress volunteers were accused of picketing or doing Satyagraha, these volunteers did the same; and if other Congress organisations have had the ban removed from them, these Khudai Khidmatgars must be allowed to be reorganised and to work for the service of the Frontier people. What was the use of the Government giving Reforms to the Frontier province and all this franchise and Legislature, when it always works in the Denys Bray spirit, the spirit of the Denys Bray report that the people should be allowed no freedom, that no paper should be published in the Frontier Province, because the people may be incited and that people must be incited only to work in the spirit of loyalist friends like Major Nawab Ahmad Nawaz Khan, and that progressive lines of thought should not permeate that province? I challenge the Government to point one instance whereby they can prove that the Khudai Khidmatgars' organisation or Khan Abdul Ghaffar Khan at any time received any assistance from Russia or the Bolsheviks. It has been given out often by the Frontier Government and the Government of India that this Red Shirt organisation used to be financed by Russian money

The Honourable Sir Henry Craik: I am afraid I cannot allow that to go: I understand, the Honourable Member says that the Government of India repeatedly said that the Khudai Khidmatgars were financed from Russia. Is that so? Because I never remember any authority saying any such thing.

Mr. B. Das: I will quote the exact passage when I reply in the afternoon.

Mr. President (The Honourable Sir Abdur Rahim): I understand the Honourable the Home Member denies the allegation that any charge was brought by Government against the Khudai Khidmatgars that the movement had been financed by Russia.

The Honourable Sir Henry Craik: I go further and I say that no person in authority that I know of ever made such a statement.

Mr. B. Das: I am very glad to hear that, and I am very glad to see that the Honourable Member applies his mind in that way to these problems. It makes my task much easier—the task on this side

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will have five minutes more.

Mr. B. Das: Now, I must close. My appeal to this House is to record its emphatic vote for the Resolution, or if the Government are wise, let them accept it and allow the House to accept it unanimously that the ban on the Khudai Khidmatgars or these servants of God,—a batch of Congress volunteers who were working in the same way as volunteers in other parts of India work—should be removed. So far the Government have not accused any of these volunteers: their charges were against their leaders: one of them is here and the other has gone again to the Sabarnati jail. But Government took steps to release these leaders last year. If the leaders could be released, their lieutenants, who are only obedient servants of the leaders, should be released and they should be allowed to render such service to their province as the Congress workers in other parts of the country are rendering. With these words, Sir, I place my Resolution before the House for its acceptance.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That this Assembly recommends to the Governor General-in-Council to take immediate and necessary steps to remove or cause to be removed the ban on the Khudai Khidmatgars' organisation in the North-West Frontier Province."

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise to support this Resolution. As Honourable Members are aware, the Government have withdrawn the ban on practically all the Congress organisations except this organisation of the Khudai Khidmatgars

The Honourable Sir Henry Craik: No, Sir; quite incorrect.

Mr. Abdul Matin Chaudhury: I say practically all.

The Honourable Sir Henry Craik: Very far from correct.

Mr. Abdul Matin Chaudhury: Practically, I say.

The Honourable Sir Henry Craik: There are still a great many under a ban in almost every province.

Mr. Abdul Matin Chaudhury: I don't say that Government have withdrawn their ban on all Congress organisations. Anyway, the action of the Government is so illogical and their illogicality is so obvious that one is inclined to think that the Government must have got some other reason for banning this movement

The Honourable Sir Henry Craik: Plenty of reasons.

Mr. Abdul Matin Chaudhury: Is there any other reason than their participation in the Civil Disobedience Movement?

The Honourable Sir Henry Craik: Yes, certainly.

Mr. Abdul Matin Chaudhury: Because, Sir, if the Congress organisations were declared illegal, because they had participated in the Civil Disobedience Movement, after the withdrawal of that movement, the necessity for continuing the ban ceases to exist. And yet, the Red Shirts, who are an integral part of the Congress, are still under a ban, and that is why I say that it creates an impression that the Government must have some other reason at the back of their mind than the participation by the Red Shirts in the Civil Disobedience Movement

The Honourable Sir Henry Craik: Yes, plenty of reasons.

Mr. Abdul Matin Chaudhury: I would like to hear them.

The Honourable Sir Henry Craik: Yes, you will hear them.

Mr. Abdul Matin Chaudhury: Now, Sir, as regards the Red Shirt movement, it was originally a social reform movement. Later on, the Red Shirts threw in their lot with the Congress, and I maintain, Sir, that if there is one group of Congress men who strictly adhere to the creed of non-violence, it is the Red Shirts. Sir, Mahatma Gandhi may or may not have the popularity that he is reported to have, but he has performed one great miracle, and that is, he has converted these militant Pathans to his creed of non-violence (Cheers from Congress Party Benches)

Mr. H. A. F. Metcalfe: Mr. Gandhi was not there.

Mr. Abdul Matin Chaudhury: Mr. Metcalfe says that Mr. Gandhi was not there.

Mr. B. Das: He was not allowed to go there. Why don't you allow him to go there?

Mr. Abdul Matin Chaudhury: Sir, the spirit of non-violence has so permeated that movement that it has secured for the leader of this movement the name of Frontier Gandhi, and a man, who, on account of his pacific and reformist activities, should have been welcomed by the Government as a friend and as an ally, is today, by a strange irony of fate, locked behind the prison bars. Now, Sir, what are the charges against the Red Shirt movement? It is often said that the aims and objects of a movement can be judged by the utterances of its leaders, and on a previous occasion Khan Abdul Ghaffar Khan had utilised the period of his release by indulging in violent propaganda. Now, Sir, I do not know if there is one man in India who indulged in more violent anti-Government propaganda than Mahatma Gandhi

The Honourable Sir Henry Craik: Did the Honourable Member say violent?

Mr. Abdul Matin Chaudhury: I said violent propaganda, not physical violence, but violent propaganda; and, Sir, it was Mahatma Gandhi who invented this favourite appellation of Satanic Government

The Honourable Sir Henry Craik: I thought he was non-violent in thought and word.

Mr. Abdul Matin Chaudhury: But still he characterised this Government as the Satanic Government; still you are not judging the Congress today by the past utterances of its leaders. You are judging the Congress today by its present policy and its present programme. Therefore, why should you discriminate against these Red Shirts? You have welcomed Congressmen to the Legislature; you have declared the organisation as a lawful organisation, and yet the Red Shirt movement, which is an integral part of the Congress, continues to be kept under a ban. Sometimes, Sir, Government attribute to this Red Shirt movement several things and say that they indulge in revolutionary propaganda for intimidation, for coercion, for the restraining of personal liberty of the citizen. These are the charges that we usually hear made against the Red Shirts. I neither dispute nor deny those charges, but what I want to say is this. In the past also Government have ascribed responsibility to the Congress for incidents that took place at Chauri Chaura and Sholapur, and if, in spite of all these incidents which are ascribed to the Congress, you still declare the Congress organisation as a lawful organisation, why should you keep

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Mr. Abdul Matin Chaudhury: why should the Government keep the ban on the Red Shirt movement, even if, for the sake of argument, we admit, which I do not admit, that the Red Shirts are responsible for the allegations made against them? What I suggest is this. When the British Government came to terms with the Irish leaders, they did not judge them by the acts of violence for which they were held responsible. The British Government judged these Irish leaders by the policy pursued by them at the time when they entered into terms with these leaders. And so, in the case of the Red Shirts, why should the Government judge these people by their past conduct or by their past utterances and not by their present policy and present programme? I maintain, Sir, that there is nothing in the present policy or present programme of the Red Shirts to justify the continuance of the ban on them.

Then, again, I would like to ask the Government, for how long they propose to continue this ban? Is it till eternity? Because, Sir, suppose we accept, for the sake of argument, that the Red Shirt movement was a seditious movement, was an unconstitutional movement, was a subversive movement, is there any reason why they should not be given a chance to shape their policy in another direction?

Major Nawab Ahmad Nawaz Khan: How many chances will be given to them? (Cries of "Order, order" from the Opposition Benches.)

Mr. Abdul Matin Chaudhury: Now, the political atmosphere in the country has changed; the Civil Disobedience Movement has been discarded and it has been replaced by more constitutional methods. Even those people who are the protagonists of direct action are now realising the value and importance of the Legislatures for advancing popular causes. We have got Dr. Khan, one of the leaders of the Red Shirts, here, as representing his province. The Red Shirts themselves are realising the value and importance of constitutional agitation, because, if Dr. Khan's election has any meaning, it means that the Red Shirts are themselves realising the value of constitutional agitation. Sir, I hold the view that, by withdrawing the ban, the Government will be giving an impetus to the constitutional tendency of the Red Shirts, and for this reason I support this Resolution.

Mr. A. K. Fuzlul Huq (Bakarganj cum Faridpur: Muhammadan Rural) Sir, I beg to support this Resolution. It might appear somewhat strange that a Member from Bengal should evince some amount of interest in an organisation which has its headquarters in distant Peshawar, but I support the Resolution on a question of principle. It seems to me, Sir, that the time has come when Government should seriously consider the question of continuing these restrictions and bans on activities of societies and organisations which, to all intents and purposes, appear to be more or less of a philanthropic character and engaged on quiet and peaceful social work. My Honourable friend, Mr. Abdul Matin Chaudhury, began his speech by saying that these restrictions have been removed on other organisations and it is only this Khudai Khidmatgars' association that remains under a ban. Government Members reminded the House that there are other organisations also. But this reminds me of the story of a pick-pocket having been detected in the very act of theft. The owner charged him with having stolen his purse. The pick-pocket immediately retorted, "Sir, you are mistaken. I have stolen not only your purse, but your bag also". The Government remark reminds us that there are really many other organisations which are suffering from a ban. We fail to understand why, for the fault, assuming that it is a fault, of one or two members of any organisation, the entire body should be prevented from carrying on activities of a public character. It is certainly inconsistent with the accepted principles of British rule in India. It is no use telling us that you have full freedom of speech and freedom of action and at the same time pursuing unrestricted all Russian methods of administration. It is for this reason that I would ask the Government to take courage in both hands, face the situation and understand truly the signs of the times and not depend entirely on the secret reports of their C.I.D. officers. For aught we know, these estimable gentlemen do sometimes submit reports spun out of their imagination. Government certainly will not accept that position, but there have been instances in which we on this side have had reasons to believe that the reports that are submitted to Government are not always founded on facts. The trouble is that high officials seldom mix with the people, seldom see with their eyes or hear with their own ears. They have got to depend on subordinate after subordinate, and when the ultimate and final report comes to them, it comes soaked with the personal idiosyncrasies of a number of officials many of whom are of an irresponsible kind. Now, it is high time that Government Members realised that their subordinates are not infallible, that they sometimes may be mistaken; at any rate, after all, they are human beings and swayed by human passions and human

[Mr. A. K. Fuzlul Huq.]

feelings. So far as this Khudai Khidmatgars' association is concerned, from all accounts I am personally convinced that they are not the dreadful body of young men which the police reports depict them to be. At any rate, there is a very large population of Peshawaris in Calcutta, and I have heard personally from them accounts which are all to the credit of this body. If somewhere or at some time there have been aberrations of an unfortunate character, the law of the land is clear enough and they can be dealt with strictly and summarily under the ordinary law. But these restrictions are not only felt by the persons who are so restricted, but also by their friends and sympathisers all over the country. I may tell the Honourable the Home Member that the feeling in Calcutta among the Peshawari population regarding this ban on Khudai Khidmatgars is very, very strong.

Major Nawab Ahmad Nawaz Khan: They are now treated under the ordinary law.

Mr. A. K. Fuzlul Huq: I am not going to answer non-official Members at all. If any non-official Member has got anything to say, he has got the right of speech and he has not been put under a ban any way. (Laughter.)

Sardar Sant Singh (West Punjab: Sikh): Does it include an elected Member also?

Mr. A. K. Fuzlul Huq: I am mistaken. I mean the estimable body of men known as the nominated Members who will disappear from the future Constitution in about a year. (Laughter.)

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): What about yourself?

Mr. A. K. Fuzlul Huq: I am an elected Member unopposed. (Cheers from Opposition Benches.)

(At this stage, Lieut.-Colonel Sir Henry Gidney interrupted.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order. Let the Honourable Member go on with his speech.

Mr. A. K. Fuzlul Huq: I have practically finished. But the interruptions that are coming from the other side are based on a counsel of despair. They know they have got no case and possibly they want to make it appear to the Government that Government are not yet friendless, that they have friends. Now, Sir, so far as this Resolution is concerned, I submit that it deserves the careful consideration of the Honourable the Home Member, and I am sure that he will give this matter the consideration that it deserves. It would be a very graceful act, if I may say so with due respect, on the part of the Honourable the Home Member if he can see his way to accept this Resolution, or at any rate, make a statement which will go to allay the feelings that have been roused by the action taken with regard to this organisation. With these words, I support the Resolution. (Cheers.)

Mr. H. A. F. Metcalfe: Sir, I rise mainly because the Honourable Member who moved this motion referred to me by name as having been the Peshawar District at the time that this movement was originally started. That, Sir, is perfectly correct. I happened to be in charge of the Peshawar district at the time that Khan Abdul Ghaffar Khan started this movement and I was able to see for some months how that movement worked.

There are two suggestions that have been made from the opposite benches. One is that the movement was solely intended to further the social uplift of the Pathan and the second is that it was entirely non-violent. I propose for a few moments to try and correct the impressions which have been created by the speeches from the opposite Benches on those two points. Now, as regards the first point, I may say at once that Khan Abdul Ghaffar Khan, when he originally commenced this movement stated, openly and publicly, that it was intended to promote the social welfare of the Pathan, that it was intended to do away with the blood feud which, the House knows, is one of the most unfortunate and dreadful things in the Frontier, that it was intended also to reduce marriage expenses and so forth. Well, Sir you will understand that one of my principal duties

as Deputy Commissioner was to further those particular objects and, I was originally, being of a simple and credulous nature, much impressed with the programme that Khan Abdul Ghaffar Khan publicly went about to promote. Now, my friend, Dr. Khan Sahib, will, I am sure, not contradict me when I tell the House the following story. I, who was at that time, and I hope still am, a friend of Dr. Khan Sahib, who was at that time acting in Peshawar City, asked him to come and see me and through me I sent a message to Khan Abdul Ghaffar Khan, whom I had previously known, but had not seen for a long time, asking him to come and discuss the whole matter with me. One of the speakers on the opposite side has said that Government should have welcomed this movement and co-operated with it, and I am endeavouring to show that I tried my best to do it. I asked Khan Abdul Ghaffar Khan to come and see me and all I got was a refusal. He stated that he was sorry that he could not come, because to do so would ruin his position. Well, that may be. I then watched the movement grow and what happened? Khan Abdul Ghaffar Khan went about the district making speeches, none of which I admit were particularly objectionable at that time, in the Peshawar District. I am now referring to the latter part of 1929 or the early part of 1930. I am not saying now anything about what happened in 1931 or after I left the district. What happened was this. He set up gradually committees in each village which were intended to further these objects and, in order to give them power to further those objects, he also established the Khudai Khidmatgars, he called them, or the Red Shirts as we called them, who were subjected to a complete military training so far as it could be done. I received, specially in the early part of 1930, constant reports of large bodies of men, his officers in uniform of their own making, marching about, doing the military sort of parades and so on, which only soldiers are expected to do. I refrained, so far as I could, from taking any action, hoping that the thing might still go on in the way it had done up to that time and that there would be no open outbreak of violence. Well, subsequent history showed that I was completely wrong.

Now, Sir, as I have not much time at my disposal, I propose to take the other point which has been made, that this movement was always entirely non-violent. I myself, as probably no other Member of this House

[Mr. H. A. F. Metcalfe.]

has seen, have seen the Red Shirts in action and I can assure you that there was no question of their being non-violent unless there was a sufficiently large force there to over-awe them and prevent them from being non-violent. There have been occasions—and there were many occasions—when Government, in order to be merciful, took such large forces to the spot that there was no chance of the Red Shirts being violent. On those occasions they merely adopted a defiant and sullen attitude, but what happened to the ordinary peaceful citizen, when those large forces were withdrawn? What happened to the one or two policemen who were left there to look after things? I can only assure you, Sir, that violence then became the order of the day and there are so many instances which I could quote, that I should only weary the House if I were to narrate them all, but I shall tell you three instances which are within my own personal knowledge. The first took place before Khan Abdul Ghaffar Khan was arrested. There was no question then of his arrest and the Khudai Khidmatgars were functioning in their ordinary way which is said to be non-violent. There was a certain old lumbardar of my acquaintance. I could give you his name, but I do not think that is necessary. He was a Khan Sahib and a very estimable old gentleman who was known for his loyalty to Government. That old gentleman, who was one of the principal lumbardars of the village, had the temerity, against the wishes of the Red Shirts, to send his son to a Government school in Charsadda. He was taken by the Red Shirts and forced to crawl on his hands and knees along the streets of Charsadda in order to teach him that anybody who sent his son to a Government school was only worthy of the grossest humiliation. That is one instance. I will tell you a second instance.

Dr. Khan Sahib (North-West Frontier Province: General): May I ask if this is a fact? May I know the name of the gentleman?

Mr. H. A. F. Metcalfe: Khan Bahadur Muhammad Umar Khan of Peshawar.

Dr. Khan Sahib: Who told you this? Did you see this yourself?

Mr. H. A. F. Metcalfe: No.

Dr. Khan Sahib: May I ask if it is not a fact that that gentleman is well known on the Frontier as the biggest liar that ever existed? I appeal to your honesty to answer this question.

Mr. H. A. F. Metcalfe: I have no knowledge of his being a liar. The story was told to me, not, I think, by Muhammad Umar himself. It was told to me by another gentleman who was witness to it and whose credibility I have no reason to doubt. (*Cries of "Oh, Oh" from the Opposition Benches.*) May I proceed? The story was told to me by a respectable gentleman whose credibility I have no reason whatever to doubt and I am perfectly certain that the story was true. However, let me go on to the next one. My second story is this. (*An Honourable Member: "Story!"*) Yes. (*Interruptions from Non-Official Benches.*) There were loud cries of "order" when any sort of interruption was made from this side.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must be allowed to continue his speech without interruption.

Mr. H. A. F. Metcalfe: My second story is this. I can vouch for it myself because I actually held the inquest on the body of the unfortunate British officer who suffered. There was a young policeman in the Mardan sub-division. He was well-known throughout the sub-division for his devotion to duty and his devotion to the people. He was extremely popular and I never heard anything except praise of him from all people. On one occasion, a band of Red Shirts wished to come into the Mardan cantonment. They could not be allowed to come in, because if they had been, there would have followed a disturbance and, therefore, Mr. Murphy went out with some police and told them that they could not go on and stopped them at a village three miles outside Mardan. Troops, I may say, were present, on this occasion, but simply in order to avoid the blood-shed which would have occurred, if those troops had been used, Mr. Murphy decided to deal with the situation himself. Those Red Shirts were given a matter of several hours in which to give up the position and go back to their homes. There as a stalemate, which lasted, I think, for something like two hours. At the end of it, the Red Shirts entirely declined to move and Mr. Murphy was forced to lead a charge himself against those Red Shirts in order to try and push them back. There was no violence used and Mr. Murphy was at the head of the force. Directly Mr. Murphy got into the crowd, he was seized and stoned and belaboured to death, his head was beaten in, and his revolver was snatched from his belt and used against him. Troops were present on the spot but no retaliation was done and no shots were fired. His body was recovered later when the crowd dispersed. That is a true story and I saw the body myself when I held the inquest. Is that non-violence?

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Did the Honourable Member himself see the incident?

Mr. H. A. F. Metcalfe: I did not see the incident—but I think that interruption was quite unnecessary. My third story relates to an attack upon a Government force. I went out one morning to Shabqadar taking with me several Press representatives in order to see what was happening out there. On the road we found a Frontier Constabulary lorry which had been attacked the night before as it was patrolling and three or four of the occupants had been killed and the lorry had been burnt. That, Sir, was done entirely with the aid and the guidance of the Red Shirt inhabitants of the neighbouring village.

Dr. Khan Sahib: May I ask the Honourable Member what evidence he has got to say this last thing? Everybody knows that Charsadda is in the Johmand border and is independent territory and what evidence has the Honourable Member got that that was done by Red Shirts and not by the people of the outside territory?

Mr. H. A. F. Metcalfe: Well, Sir, I did not intend to imply that it had been done by Red Shirts. They are much too clever. (*Laughter.*) What the Red Shirts had done on that occasion was that they had fed, helped and guided—as they did constantly along that border—the enemies of Government who had come in simply to attack the Government forces.

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and to fight with Government. That is all I said; I did not imply that the Red Shirts themselves were in the fore-front of the battle on this occasion. That would have been contrary to their usual course of action.

Dr. Khan Sahib: May I ask if it is not the case that the insinuation that you are making against the Red Shirts is simply the product of your imagination?

Mr. H. A. F. Metcalfe: That, Sir, I won't admit for a moment. A large number of cattle were actually seized on their way being driven by Red Shirts carrying grain and so forth to the rebels who were staying just across the border. That is not imagination. That was proved. However, I merely quote those three instances to try and show to the House that that was not non-violence.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): When did these incidents take place?

Mr. H. A. F. Metcalfe: All in 1930. I myself left the Province in 1930 and the facts quoted were within my own knowledge. I have here a list of similar acts which has been given to me by an officer who succeeded me as Deputy Commissioner and who was there during the subsequent two years, but I do not propose to quote from this, as I think that that is unnecessary. The only other point I wish to make is this. It has been suggested that whatever may be their past misdeeds—and I should be the last man to wish to rake them up—the Red Shirts have now suffered a change of heart and that there is no reason why Government should not admit that they have suffered a change of heart and agree that they should now be allowed to function as before. Well, I know myself the reputation that they still have and I should like just as the last point to quote from a report which I have here, which is a quotation from a report for the first half of December 1934, barely a month ago.

Prof. N. G. Ranga: Report by whom?

Mr. H. A. F. Metcalfe: A report from official sources in the North-West Frontier Province, but there is no reason for supposing it is untrue; it is not based on police reports, it is based on facts. I may read it, if I may, without interruption:

"On the 6th December, one Amir, a notorious outlaw, said to be wanted for several murders and cousin of the still more notorious Chinnai, was arrested at village Gonda, two miles west of Batagram, on information supplied by a Lambardar, namely, Sultan, along with a fully-loaded revolver and dynamite. (*That was the outlaw who was arrested.*) On the 11th December—in the late afternoon, (*that is, about five days later*),—a gang of outlaws said to include Chinnai himself, Ghairat (*previously a Red Shirt Captain*) and Nauroz (*a Red Shirt volunteer*) descended on the village, and in Sultan's absence, killed a brother and a sister-in-law of Sultan and caused injuries to a child of two and several other children."

Two of the people involved in that had been prominently connected with the Red Shirt movement. Sir, I do not think there is any reason to suppose that if the Red Shirt movement was now allowed to be resuscitated, we should see anything else except again an attempt to over-turn the Government and to re-introduce a reign of disorder. I, therefore, Sir, oppose the motion. (Applause.)

Mr. T. A. K. Sherwani (Agra Division: Muhammadan Rural): Sir, it is with a pent-up feeling of pain, anguish and resentment, that I rise to support this motion, which has been moved by my friend, Mr. B. Das. But I will try to suppress those feelings which, as a member of that race, I entertain while I speak, and will not come down from the high level of debate which has been set as an example before us by my Leader. However, Sir, the fact remains that this unfortunate province of our unfortunate country has been ruled consistently and persistently with an idea and an attitude which were revealed to me by an officer who was and had been long in the Frontier, "that brutes must be ruled brutally", to which I added, "and by brutes".

Sir, it is with this feeling and attitude that this fine race, which possesses many qualities and characteristics of which the English people are so very proud and value so much in their own race, has been ruled throughout.

Sir, after all, what is the fault of these people? Their only fault, so far as I can see, is that they belong to a brave and courageous race and they are a sturdy people. Sir, I will try to suppress my feeling, as I have already said, and will come straight to the question as it is moved before the House.

The question before the House is that the organisation known as the Khudai Khidmatgars is still banned and the motion wants that that ban should be lifted. Sir, for the purposes of the debate, I will go into some details as regards this organisation. Fortunately, the Deputy Commissioner of Peshawar, at that time, is present here in the Assembly, and I hope he will correct me if I am wrong. Whatever facts I have got in my possession have come to me from the people of the Frontier who are, I believe, truthful, whatever other faults they may have. I do not say this because it is my sentiment but because they are not yet so very much civilized. The facts are that this organisation was started, in October 1929, on an occasion which had nothing whatsoever to do with Indian politics. Some friends gathered together at Utmanzai and during their conversations they bewailed the economic and social conditions prevailing in their province. Some of them—probably Khan Abdul Ghaffar Khan—suggested that there was no use bewailing: we must be up and doing: and they decided to call a meeting, a bigger and a larger meeting, to organise an Association for the social and economic uplift of the people of the Frontier. This meeting was called on the 18th and the 19th of April, 1930. In that meeting speeches were made and from the very fact that this meeting was well notified and that it was taking place at Utmanzai it is apparent that Government must be in possession of the C. I. D. reports of those speeches. And I make bold to say here that in those speeches politics was not discussed at all.

Mr. H. A. F. Metcalfe: Does the Honourable Member remember the play that was staged at that time?

Several Honourable Members: That happened later on.

Mr. T. A. K. Sherwani: I do not know anything about that play. Whatever may have been the nature of that play it was not and could not be the part of that organisation. It was an extraneous matter. The organisation as such had for its aims and objects the following ideals: (1) To bring about

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unity between the different tribes of the Frontier and to stop the bloody feuds for ever which are called *Barajamba*. (2) Their second aim was to stop the people from committing crimes and to bring about peaceful life and to make the people peaceful and useful citizens of the country. With these two objects the organisation was started.

The Honourable Sir Henry Craik: I am sorry to interrupt the Honourable Member, but would he mind repeating the date on which this meeting was held?

Mr. T. A. K. Sherwani: It was held on the 18th and the 19th of April, 1930.

The Honourable Sir Henry Craik: Thank you.

Mr. T. A. K. Sherwani: On the very first day this organisation was started, 500 members enrolled themselves as its members. It was further resolved that for the purposes of carrying out the social and economic propaganda among the people, a volunteer corps should be organised, and that volunteer corps was to be named as "Khudai Khidmatgars". Now, I will read to the House the pledge which was framed and is still in existence and by which these Khudai Khidmatgars swore. Fortunately, I have got in my possession the very words which were used in that oath, and I hope my friends from the Frontier will excuse me if I do not pronounce the words correctly. Although I am an Afghan, I am sorry I am not conversant with the language. The 1st paragraph of the oath was:

"I shall always obey the order of God."

Is there any danger of any revolution in this? If there is a danger of revolution in this, then every Mussalman is a revolutionary. The second paragraph of the oath was:

"In my service for the freedom of humanity, I shall ever remain non-violent in thought and deed and will be absolutely fearless."

The third paragraph was:

"I shall never be affected by flattery or abuse."

The fourth paragraph was:

"I shall always protect the oppressed from the oppressors."

The fifth paragraph was:

"I shall never accept any remuneration for my services."

This was the pledge which was taken by these Red Shirt volunteers. Unfortunately, they hit upon a colour which was red and it was really a red rag to the bull. Now, what happened afterwards? The Honourable the Foreign Secretary has said that after this organisation came into existence, Khan Abdul Ghaffar Khan ran about making speeches. He did not say that the Khan was making violent speeches or speeches which incited to violence. Now, Sir, I ask this House to judge the veracity of the allegation made. On the 19th of April, 1930, this organisation was formally promulgated and on the 23rd April, 1930, Khan Abdul Ghaffar Khan, while going to Peshawar, was arrested. Where was the time for him to make violent speeches or speeches which incited to violence?

Mr. H. A. F. Metcalfe: The Honourable Member did ask me to correct him. I hope that he does not imply that the movement was started only on the 19th April, 1930, because, I think, the Honourable Member said at the beginning that it began in October, 1929. My point is, that it now seems that the Honourable Member is inclined to say that the movement was never started until the 19th of April, 1930, whereas, at the beginning, in his speech, he did admit that it was in existence from October, 1929. Is not that so?

Mr. T. A. K. Sherwani: I may remind my Honourable friend, that what I meant was that it was conceived in October, 1929, but it was actually started only on the 19th of April, 1930. Now, Sir, not only was Khan Abdul Ghaffar Khan arrested, but he was taken to Nowshera and was convicted for three years under section 40 of the Frontier Crimes Regulation, the section is only meant for robbers, murderers and notorious outlaws. (*Cries of "Shame" from Opposition Benches.*) He was asked to give security or to go to jail. It was only a farce of a trial. Fortunately, the Honourable the Foreign Secretary is here. In the month of May in the presence of the Honourable the Foreign Secretary a posse of soldiers went to Utmanzai and surrounded the village and would not allow the people even to answer the call of nature which they generally do in the open outside the village. They would not allow even their cattle to go and they also had to starve. They did not stop only there, they surrounded the village and went and occupied the House in which there was the office of Khudai Khidmatgars, not only occupied the house but, I say to the very face of the Honourable the Foreign Secretary, that the people who were there were thrown out from the first storey. (*Shame.*) They were thrown out and several had broken their legs and others broken their arms, not only that, in the very presence of the Honourable the Foreign Secretary that office was burnt to ashes (*Cries of "Shame" from Congress Party Benches*), and yet the Government Members say that these Khudai Khidmatgars were violent. Who should be banned?

Mr. H. A. F. Metcalfe: I might be allowed to answer this point. I admit that there was some regrettable violence by Government forces on that occasion. I quite admit that. I am extremely sorry all that happened. I immediately went to the spot and stopped any further violence and saw that the people who were injured were properly attended to. It was regrettable. What happened was that insults were hurled at some of the troops who were getting the people from out of the house and this led to the regrettable violence on the part of the troops. I very much regret that action, but to say that I encouraged violence on the part of the troops is, I venture to say, entirely untrue.

Sardar Sant Singh: Was any compensation given to the aggrieved persons?

Mr. T. A. K. Sherwani: I never implicated him personally. I am glad that the Honourable Member has admitted that violence was committed by the troops. I will tell you, Sir, one more incident in which he even took no steps to prevent. The young boy of Khan Abdul Ghaffar Khan, about 12 or 13 years old, was attacked by a soldier and he was saved only by the bravery on the part of a policeman who came in between and was wounded instead in so doing.

Mr. H. A. F. Metcalfe: I am not prepared to admit that as being true.

Mr. T. A. K. Sherwani: But that is a fact, all the same. I have given three instances and of which the Honourable Member has admitted at least one. I will tell you some more. That in the month of June you sent your troops to the villages. They went and surrounded the villages and brought out the people and made them stand in the sultry sun. Not only that, they placed heavy stones on their neck and asked them to carry the stones uphill and pile them there and your officers told them that that was the tomb of their leader (*Cries of "Shame"* from Congress Party Benches) and yet you say that Khudai Khidmatgar movement is a violent movement and that your troops are a non-violent lot. Well, the crimes which you have all along committed in that province in the blessed name of law and order are crimes which, if truly recorded in history, I am sure even your own future generations will disown you. Now, Sir

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time limit.

Mr. T. A. K. Sherwani: I am sorry that my time is over. There is just one more point that I want to notice. The expression used in regard to the Khudai Khidmatgar organisation is that it is a revolutionary body. That is another expression which has become a scare-crow. But there are revolutions and revolutions. You are proud of your industrial revolution.

Mr. H. A. F. Metcalfe: I am sorry to interrupt the Honourable Member? Is he in order in addressing his remarks to me all the time?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Mr. T. A. K. Sherwani: I am sorry, Sir. Now, my point is that there are revolutions and revolutions. There are social revolutions and other revolutions of a peaceful character and the Englishmen are proud of their own industrial and social revolutions. But the Government wants to frighten the House by saying that Khudai Khidmatgar is a revolutionary body. At the time when the Government disbanded the United Provinces Provincial Congress Committee, I was the President of that body, that was also called a revolutionary body, but today the ban from the United Provinces Congress Committee has been removed. May I ask why not remove the ban from the Khudai Khidmatgar also? So far as revolutionary activities are concerned, the Government have been blaming the Congress that its activities have been revolutionary, when you have removed the ban from the other Congress organisations, why should you make a distinction in the case of the Khudai Khidmatgars, an avowedly Congress organisation.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must address the Chair.

Mr. T. A. K. Sherwani: I am sorry, Sir. The Government call the organisation dangerous. So far as danger is concerned, the Government scent danger even in the activities of Mahatma Gandhi when he goes to

the villages for their uplift. The Government scent danger in anything and everything which they see us doing for the uplift of our country. Their danger lies in going against the wishes of the people only and in nothing else. I would ask them, is there time yet to retrace their steps and create an atmosphere of peace and harmony and give a chance to these Khudai Khidmatgars to exert their influence and bring about peace in their native province which is their sole aim and object. I hope, Sir, that Members of the Government will realise that:

"It is safer to be that which we destroy
Than by destruction dwell in doubtful joy."

Sir, with these words, I support the motion.

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

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Mubarakmadan Rural): Sir, I rise to associate myself with the Resolution that has been moved by my Honourable friend, Mr. B. Das. Being a lawyer by profession, I cannot encourage or tolerate lawlessness or disturbance in the country, but, at the same time, I desire that the law should be administered, in the country, in a dignified and proper manner, that there should be even-handed administration of law, that there should be no discrimination between one section and another section when a particular law is to be administered. Sir, it has been admitted on all hands that the organisation known by the name of the Khudai Khidmatgars is a branch or a supplement of the Congress organisation; and if Government thought it proper to remove the ban upon the Congress organisation, I do not see any justification for not removing the ban upon the Khudai Khidmatgars which is a branch of the Congress itself. Of course I am not one of those who pressed upon Government that the ban on the Congress activities should be removed. They are for the present the custodians of law and order and it is for Government to see whether the activities of a particular organisation are so dangerous that beside the law of the country there should be placed another ban on that organisation. But once it has been considered proper that extraordinary laws should not govern certain organisations, there should be no discrimination between one organisation and another. If may be said, and probably it has been said, that the Khudai Khidmatgar organisation is a revolutionary organisation, that the people belonging to that organisation committed violence and, therefore, Government did not remove the ban on that organisation. My reply to this argument is that Government have got sufficient weapons in their Statute-book to deal with any crime that may be committed in the country by any individual or by any organisation. Is not the ordinary law of the country sufficient to punish or deal with any sort of crimes that may be committed by this organisation known as the Khudai Khidmatgars? Then on the top of this, the organisation exists mainly in a province where we are spending about 75 per cent. of the revenues of the country on military expenditure. If in spite of all our military forces and in spite of all the

[Sir Muhammad Yakub.]

ordinary laws of the country Government cannot deal with one small organisation without extraordinary laws, then it reflects a good deal upon the capacity of the Government itself and not upon that organisation. Sir, I do not think that a long and a big speech is required to support this Resolution which I think is quite self-evident, and with these few words, I support the proposition before the House.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I whole-heartedly support the Resolution proposed by my Honourable friend, Mr. Das. I also heartily wish that when he moved his admirable Resolution he had not made the speech that he did make in support of it. He needlessly opened up questions that it was much better to have left undisturbed. Sir, I think, you will give me credit, that I have got the courage of my convictions. I promised you yesterday that I am going to use every fibre in this big body of mine to bring about honourable peace in this House and in the whole of India. I am going to try my best for it; and, therefore, if I were asked beforehand and if I knew that my brother, Mr. Das, was going to make that speech, I would have asked him as an elder brother to be calm. I appreciate the difficult position in which the Foreign Secretary found himself and there was a good deal of restraint in the way in which he defended himself. I have been a rebel and an outlaw, but should I say now why I became a rebel and an outlaw? Should I say now what they did to me and to my people? That would serve no real purpose if we mean business, and I do mean business. Therefore, I do hope that both sides of the House will realise that the time has come when we ought to retrace our steps and do something to bring about a calmer and a better atmosphere—a more conciliatory atmosphere. I do say that peace is always better than war. I have been fighting before and, as I said, I may have to fight again, but I would certainly any day prefer peace to war which will lead us nowhere. Further, to make an honourable effort for peace and to try and see if we can settle things amicably is not a sign of weakness. I know I have friends on this side (Congress). Old co-workers who know me very well and with whom, although I am not working today, I may be working tomorrow shoulder to shoulder. (*An Honourable Member*: “Tomorrow?”) Yes, it is in their hands. If they frame a pact, I can go to the Muslims and say that this is the pact which our brothers have given to us. And God willing, I will not take myself alone to that fold, but I will take the whole of the Muslim community into the Congress ranks. Sir, I have joined the Independent Group under Mr. Jinnah, who may be younger than I am, but I trust he is making honest efforts in that direction. I wish him success and if there is any little thing that I can do, I am simply to be called upon, and I will do it. Therefore, to make peace with the Government on the one side or to make peace overtures to that side is not a sign of weakness and I say that we mean business. We are capable people: we want to show to the world that we can administer India, that we can look after our affairs. I think for us simply to open up unnecessarily old sores, would serve no purpose. One side having suffered so much speaking naturally with some bitterness in their hearts, the other side having got to keep the administration going and probably thinking they are in a powerful position and can rule with force or show of strength should be ended. I know how bitterness creeps into people's hearts. I fully

appreciate the speech that my brother, Mr. Sherwani, made. I can understand it. I have felt like that myself. But without meaning to insult any other province in India—I myself belong to the United Provinces—I think no one in this House will grudge me this when I say that the finest of all people in this country are the people from the Frontier Province. They are powerful, physically strong, handsome and brave. There is Dr. Khan Sahib there and he is a very fine specimen and I hope my brother, Nawab Ahmad Nawaz Khan, will agree with me. He also is my brother and I have known him for long and I am sure he will also help us in bringing about peace and honourable reconciliation. Further, the whole House has seen and felt that Dr. Khan Sahib is the quietest and most peaceful member of this House. I know his younger brother, Khan Abdul Ghaffar Khan: he was a co-worker with me in the Khilafat Movement and, I think, he has great personal affection and regard for me as I have for him. I do not want to say that this or that is a mis-statement or a wrong statement. My brother, Mr. Sherwani, was perfectly justified in saying what he did. As a Muslim I have felt it also and, I think, there is no Muslim organisation worth anything which has not spoken in unmistakable terms to the Government and represented that no reforms would be acceptable to the Muslims unless they include our brothers in the Frontier Province. It is not only the Congress, but we are all united. There is an old Urdu saying: “Jo man say ziyada chahay woh mama kutni kehlay” which means, “whoever pretends to love more than the mother is called a mother-procress”. They are our own people in the Frontier Province. My affection is in fact for all Muslims all over the world. Therefore, without bringing in any unnecessary matter, without opening old sores, without trying to bring in a vote of censure—there will be votes passed against the Government every now and then—let us give them a chance to do the right thing. My appeal may be considered a weakness—I do not care. I am a poor man and I am perfectly happy—I always tease the Government Whip. When he passed me the other day when he was canvassing for votes, I told him “my vote was for sale, but I want my weight in gold—not anybody else's weight but mine. I do not think the Government treasury has got that much money”. They cannot buy me and for any less I am not prepared. However, this side (the Congress) may say that the old warrior is getting old and he is feeling tired. My brother died four years ago and he had put himself against the Civil Disobedience Movement, because he thought it was inopportune and he was not conciliated. But I am not going to open old sores. I want that we should all come together to work for the good of the country and I would appeal to the Government here to make a gesture that will be appreciated by everybody. I think that Mr. Jinnah will be the best person to make that appeal; but I think all Muslim Members here and I know that 95 per cent. of the masses outside will respond to a gesture by the Government, and the lifting of this ban will be appreciated by the Muslim community and I think the Government would be doing a very good act for themselves.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban):

3 P.M.

Sir, when the discussion on this subject started, I had no intention to take part in it. But it seems to me that it would be desirable for a Hindu from Bengal not to keep silent over this question but to express his sympathy and the sympathy of his co-religionists in the province to the Muslims of the Frontier Province in their

[Dr. P. N. Banerjea.]

hour of trouble. There is another reason why I am participating in this debate. My own unfortunate province has suffered very greatly from the repressive policy of the Government, and when I demand that the time has now come for this repressive policy to cease in my province, I cannot help urging that this policy should cease also in the North-West Frontier Province. From its objects and aims it appears that the Khudai Khidmatgar is a peaceful and non-violent organisation, and I hope and trust that the Government will, for the sake of peace and harmony, accept this Resolution.

Dr. Khan Sahib: Mr. President, I rise to speak on this Resolution not only as an amateur and a new-comer to this great Assembly of yours, but as the first elected Member of the North-West Frontier Province (Cheers) to represent in this Assembly that province, which has always been painted before you as black as can be and which you all have always scrutinized through the coloured spectacles which have been prepared and presented to you by those gentlemen who are sent and picked out by the Provincial Governors to this House to misrepresent facts before you. . . .

Captain Sardar Sher Muhammad Khan (Nominated Non-Official).
Question.

Dr. Khan Sahib: You are a Nominated Member. . . .

Captain Sardar Sher Muhammad Khan: But I know better than you how Sir Abdul Qaiyum represented the province.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadian Rural): On a point of order, Sir, the Honourable Member in charge of the Resolution is not in his seat.

Dr. Khan Sahib: Those gentlemen who sit behind the Government Benches, in the last few days of my experience in this House, have given me the impression of electrified dummies. . . .

Mr. President (The Honourable Sir Abdur Rahim) Order, order: that is not proper language to use.

Dr. Khan Sahib: Is it not? I am very sorry: should I say they have given me the impression of always waiting to receive their inspiration from the Centre to which they belong? And that they are always ready when they receive the orders to get up and support the cause of their masters, against the interests of the country to which they really belong?

Mr. President, I am not here today to go into the details of the unfortunate tyrannies which have been committed or practised in the Frontier Province under the guise of law and order. If, on some other occasion, I may have an opportunity to throw some light on those affairs for the information of the Honourable Members, I should be delighted, but today I am only concerned with the movement of the Khudai Khidmatgars. They are called Khudai Khidmatgars, not theoretically, but practically: they are for the emancipation of the human race. They are not

only for this country, but they are there to serve everybody—Englishman, Frenchman, German, Russian, Indian, Afghan or any other. To us, all humanity is just the same; and all the attributes which are given to us, by people who really do not mean what they say, if they search their consciences they will find out that they are not telling the truth. We stand for truth. I do not mean that we are super-human: we are human beings, we make mistakes, but I tell you to the best of our knowledge we try to serve humanity and do our best. We are the servants of humanity.

Mr. President, before I proceed to mention to the House some of the instances, which I personally saw when I was in that province in 1930-31, I should like to make a passing reference to what happened in the year 1932-33. Well, as I cannot give Honourable Members first-hand information about some of the events that took place about that time, I shall merely mention two items. The first is that when Father Elwin, a celebrated Don of the Oxford University, went to the Frontier Province to see for himself the actual position, to ascertain for himself first hand the actual truth, for a few days he was not interfered with. But when the Frontier authorities,—and I say this most honestly and from personal experience,—found that that gentleman was not going to represent their point of view, but he was going to represent the actual facts, that he was a seeker after truth, he was promptly removed from that Province. Now, Sir, anybody who knows Father Elwin will be able to testify to his sincerity of purpose in all that he does. As I said, he is a Don of Oxford, he has always been serving humanity, and today he is living on those hills among the tribes, among the poor people, working for their amelioration. That is the man who is a seeker after truth, who was removed from the North-West Frontier Province, because the authorities there could not face the truth. Mr. President, the other day, some of the Government Members picked out papers and read them out in the House to show what the Government have done for the people and so forth. Will the Government send some of their officers to live in those untouchable villages to see for themselves the actual condition of the people? Then they will be able to understand the truth. They can never understand truth by living in palaces.

Then, the next thing I wish to say is about, Miss Wilkinson. I think she is well-known to everybody here. When she came with her party to the Frontier, my boy, who was a school boy, was on his way back home,—by home I mean India, and not England as the Home to which some friends refer, but I mean India, and he was on board the ship when we were arrested. I don't want to go into details and say what trouble he had to face on the way. Now, he accompanied Miss Wilkinson to Mardan, and,—I really cannot tell the House whether it was with the permission of the authorities or not,—a meeting of the Khudai Khidmatgars was organised, so that Miss Wilkinson might see for herself what they were doing. As soon as the police got scent of this, they could not tolerate the sight; they did not want that the Khudai Khidmatgars should explain the facts to her, and they wanted to practise their target shooting again. So Miss Wilkinson took the opportunity, just in time, and asked the organizers of the meeting to disperse the meeting. The manner in which that meeting was dispersed,—that is what I heard from my little boy, he is not little now, he is at Oxford now,—was so

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quiet and so orderly that Miss Wilkinson spontaneously remarked, of which he took note, that even in Europe she had never seen such orderly dispersal of a big crowd like this. (Cheers from the Congress Party Benches.) Now, you see,

Some Honourable Members: Address the Chair

Dr. Khan Sahib: Sir, I am a new-comer. I am not accustomed to address legislative bodies, and so I hope Honourable Members will forgive me if I fail to use the strictly Parliamentary language.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not be interrupted.

Dr. Khan Sahib: Now, perhaps, Miss Wilkinson might have exaggerated the whole thing. It generally happens that when an Inspector examines a body of well-disciplined people, whose orderly behaviour gives him great pleasure, he might say things in a slightly exaggerated form.

Well, Sir, with regard to what fell from Mr. Metcalfe, before I say anything about it, I must say that Mr. Metcalfe has been a very great friend of mine, he has been very kind to us, and, I think, we have always been on the best of terms, and I am sure, that in all our discussions he has always been very sympathetic and listened to our point of view with the attention it deserved,—with regard to what fell from Mr. Metcalfe regarding the unfortunate death of Mr. Murphy, the first thing that I should like to say is, that Mr. Murphy was a great personal friend of mine, and, I think, no man felt greater regret than myself when I heard the sad news of his death. Mr. President, that was the beginning of this movement, and that assembly did not really contain many Khudai Khidmatgars. It was an assembly composed most probably of a few tribal people, but anyhow, I say that, that sad incident happened, and we are all very sorry for it, and we Khudai Khidmatgars are not going to run away for certain sins committed by certain people in our name. No, I know, that every Khudai Khidmatgar felt sorry for the sad death of Mr. Murphy, and we are all very sorry. ("Hear, hear" from the Official Benches.)

Then, Sir, let us see what happened at Charsadda. In Charsadda, picketing was organised in 1930, and it was directed against liquor shops, and the treatment that was meted out to the Khudai Khidmatgars I don't want to describe here, because there were certain things done there which my self-respect does not permit me to mention, but I think it is well-known to many people,—I think our Nawab Sahib also knows something about those things. There the Khudai Khidmatgars were beaten, their clothes were torn to pieces, they were made stark naked. Afterwards, they used to wear a double dress, a white pant under and the Red dress outside, and the authorities really wanted to tear off their red dress, and they did tear it off. Then we had a small hospital by the river side, and that hospital was declared an unlawful assembly. The people who had collected there were all forcibly dispersed, some of the patients in the hospital were taken to the Charsadda Hospital. Some of the patients were taken from the Charsadda Hospital and next day they were thrown out by Colonel Brierley who is now the Inspector

General of Prisons and Hospitals there. They were put in a mosque, I went to treat them in the mosque, and later on, we had a hospital in Peshawar City. With all that, nobody can cite a single scratch on the police or the army people who were dealing with those Khudai Khidmatgars. I will come to the 28th February, 1931. When the Gandhi-Irwin negotiations were going on, a meeting was held on the 28th February, 1931, at Utmanzai. You have heard from Mr. Sherwani about the pile of stones which they said was the tomb of the leader of the Khudai Khidmatgars. The notice was sent to the Assistant Commissioner that the meeting was going to be held, against law, because civil disobedience was in progress. The meeting was held, the troops were there, but their *lathi* charges could not disperse the Khudai Khidmatgars. Really no order was given, but some of the officers went out of control and they started firing. Captain Banes who was in charge of the party shouted, "don't fire, don't fire", but nobody listened to him. Firing went on, but the Khudai Khidmatgars could not be dispersed, they were still there. Thirty people were wounded, two killed. I arrived at the spot just a few minutes after this took place. And still you could not cite a single scratch on the people who went to kill the Khudai Khidmatgars, not even one scratch. If you do not call that non-violence, I do not know what you will call anything non-violence. (Cheers from Opposition Benches.) I will come to Urmur. In the summer of 1931, one night at Urmur, one of the informers gave wrong information to the police. The latter went, and I must say, that it was by an accident that they by mistake shot a Khudai Khidmatgar who was killed. That was an accident. The people of the village, men, women and all, caught hold of the police and disbanded them; but as soon as our President and the officers of the Khudai Khidmatgars and the volunteers arrived on the scene, they took the police into protection, formed a circle around them and took the rifles from the people and conducted the police into a safe place. (Cheers from Opposition Benches.) I must say that the District Magistrate then was Mr. Cairo. He sent word that he was sorry and we were quite pleased. They offered some compensation, but as you will see, under the Khudai Khidmatgar's oath we do not accept any remuneration for our services. So that was not accepted. If you tell me that that is not non-violence, then, well, you will have to find some other word for it. (Cheers.) At Swabi—these are incidents where I went personally, and saw—at Sawabi Tahsil in Topi which is the place to which Sahibzada Nawab Abdul Qaiyum belongs—you all know him—picketing was going on there. I got the information that the picketers were very badly treated. I went there personally and I saw the place. I met the District Superintendent of Police and asked him if the order was that they should beat people while sleeping in *huzra*. *Huzra* is the place where the Pathans have their guests. If anybody comes, the Pathans have an outer house in which the guest sleeps. I ask the District Superintendent of Police: "Have you declared people sleeping there at night an unlawful assembly?" He said, "yes", and that he had the orders. I had been told by a responsible officer that if there were any facts which I thought I should communicate to him, then he would take care to see that justice was done. I saw all those things. When I came back, I saw the confidential report too, a friend of mine showed it to me. It was a true report. It went, but nothing was done. Then I will come to a gentleman who is now there as a City Magistrate. You know that when a man becomes a Khudai Khidmatgar he rejects all the things which are connected with violence. The rifle, the revolver, the

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sword,—all these things which are so near and dear to a Pathan,—as soon as he becomes a Khudai Khidmatgar he rejects them. When the Khudai Khidmatgars went and handed over their arms, they ask naturally for the price. And what was the answer? The answer the gentleman gave was that when they got power then they could ask for the price. If you do not call this, provocation to a Pathan, well, I do not know what you will call provocation. That fact was known to the Chief Commissioner, and I wrote in person to him, but as I was arrested soon after, I do not know the result. We now come to the Simon Commission. Sir John Simon came and I do not know through what spectacles he examined the Frontier. But he says:

"The inherent right of a man to smoke a cigarette must necessarily be curtailed if he lives in a powder magazine."

We were told that we were living in a magazine and so we could not smoke. Hence, we started this organisation to convert that magazine into a peaceful house, and that is the outcome of the Khudai Khidmatgars. (Cheers from Opposition Benches.) I will give you a few quotations from the "Naked Fakir" which was written by Mr. Bernays. That is what he says:

"I am glad that I saw the Frontier. It is the old India at its worst. The administration is unimaginative, callous, and not particularly competent. I cannot understand how the Simon Commission ever came to report that there should be no reforms in the North-West Frontier Province. The much advertised Frontier danger is largely 'Poppycock'. If they spent a quarter of the army estimates on irrigating the desert, they would be able to halve the expenditure of the remainder. The Afridis lost because they are starving. I wish that I could lift the veil and expose some of the excesses up there."

Now, he was living with the Assistant Inspector General of Police in charge of the C. I. D. He knows all the facts. Now, I will give you one or two facts about this Afridi business. It is simply organised by the Political Department to make money.

Major Nawab Ahmad Nawaz Khan: Not at all.

Dr. Khan Sahib: I knew a man who actually took Sir George Roos Keppel into the trenches of the Afridis when they were fighting against the British. I wonder if the man is alive now. I think Sir Abdul Qaiyum knows it very well but he will never tell you. I think some of the army officers know this fact. This is what he says: "Some of the stories of the whole-sale shootings and hangings last year made me—rapidly becoming a hard boiled and cynical journalist—hang my head in shame." Now, there is another thing which is always attributed to us. About this, Mr. Bernays says:

"An attempt was made on the life of a British official. It was unsuccessful, but in less than two days the perpetrator of it had been executed."

Then, he gives further instances of the savagery of British civilization and he gives an instance of a young boy who was given 30 stripes in the Peshawar jail. Then further on he gives the instance of a boy who was picked up by two British officers in the car and was left seven miles away. He was the son of a police sub-inspector and this is what he says:

"I did not hear these tales from disaffected Indians. They were told me proudly by British officials as the way they dealt with Congress activities."

Then again, this is what I find in the Assembly debates on the 1st February, 1932, on page 253.

"The number of persons killed in the North-West Frontier Province, in the restoration of law and order, amounts to 14. Let nobody think that any officer of Government regards the death of 14 of his fellow citizens as a light matter. There is nobody who can take it more seriously than we do."

This is by Sir Evelyn Howell.

Sir, I do not doubt that anybody would like to kill people for nothing. I was told by a very important man in service, a British officer, about the mood of the British officers at the time of the movement and how they got panicky. I asked "what have you done?" We have done nothing. We want reforms. That is all. I told him that whatever their mood may be, there is one thing certain that we are not afraid of the violence of others as long as we do not remain violent ourselves.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit.

Dr. Khan Sahib: I am the only man from the Frontier, and I would ask you to give me a little more time. I do not ask for weightage, because I do not believe in it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will get five minutes more.

Dr. Khan Sahib: It is said:

"It was estimated that in Peshawar as many as 900 Red Shirt picketers were employed of whom some 300 were on duty at one time. Picket reliefs marched through the city in formations of about 50 and this display of organisation and the behaviour and character of the picketers themselves tended to intimidate both the public and the shop keepers."

Now, Sir, I was in charge of the picketing. We had 3,000 Khudai Khidmatgars. I agree with him that we marched in formation. Is it violence to march in formation? Do not the scouts march in formation? Many of you must have been in scouts organisation. Do not other organisations march in formations? I will give you an account of a discussion I had once in the house of the Chief Commissioner. Mr. Adams, the Inspector General of Police told me that the Khudai Khidmatgars walked straight in formations: I said:

"I cannot help you there, because we Pathans always walk straight. We do not bend."

Then further on he said that my brother was fanatic. I told him that it may be the opinion of the Inspector General of Police and asked him if he knew the Pathans. I asked him if he knew a book written by Bernays called the "Naked Fakir". He said, "Bernays had been here only six months". I asked him how long he had been here. He said "30 years". Then I told him that if he remained another 30 years writing notes in his bungalow, he will never know the Pathans. Now, I took Mr. Bernays to Utmanzai. He was invited by the young officers of the Khudai Khidmatgars in 1931. I left him all alone with them. While we returned

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from there, we were sitting in the Assistant Inspector General of Police's bungalow and in a few minutes time he handed over to me a chit stating that my brother had arrived at my bungalow. This allegation that we have connection with the tribal territory and with the Bolsheviks is all put up show. They know exactly how we move about. They know every action of ours. Then we got to my bungalow. This is what Mr. Bernays says about my brother:

"Darkness had fallen and a thunder storm was threatening. Abdul Ghaffar Khan looking the embodiment of the traditional paintings of Christ."

If that is the description of violence, then I don't know what violence is. Then, my brother said:

"The Government of India misunderstands my movement. I do not hate the British. I only want the same reforms for the Frontier Province as for the rest of India. I am not declaring against the payment of revenue. I am a land owner myself and I have paid my revenue. I have received no money from Russia. I have no connection with the Russians. The British have put me in prison but I do not hate them. My movement is social as well as political. I teach the Red Shirts to love their neighbours and to speak the truth."

This is what Mr. Bernays says:

"The impression of him I recorded in my diary that night is: 'A. K. G. is a kindly, gentle, and rather lovable man. As well think that old George Lansbury is a dangerous revolutionary as imagine that A. K. G. is the relentless enemy of the Raj.'"

—Well, that is the opinion of an Englishman who has lived there only with English people and who was living there with the Head of the Criminal Investigation Department

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now ask the Honourable Member to conclude his speech. He has only one minute more.

Dr. Khan Sahib:

"Numerous meetings were held and processions organized and the Red Shirt leaders set an example by refusing to pay the revenue. One of them was a nephew of A. K. G."

Well, that is absolutely a lie. My son paid Rs. 300 just before they arrested him and put him into prison and he never said that he would never pay. The same point was discussed between the District Magistrate and myself and I told him, "I should be ready to pay it down at once", but I did not have the money. I had paid my income-tax demand just before that, so you cannot say that I said, "I won't pay", and I said, "if you wait for another twenty days by when my sugar-cane crop will be sold, the amount will be paid to the Government". So that all these things are sought to be made out here simply because they have not got courage to tell the truth; they always want to bring in an excuse, but, Sir, excuses can never succeed.

Now, Sir, as you have ordered me, I must stop. I will only conclude by saying that in all I have said it is only for the purpose of showing that we are non-violent. I have not said anything for any purpose of

creating hatred or making anybody unhappy; and I must say this much, that whatever the others may say, we shall always remain non-violent, adopting an attitude of all humility towards everybody including even the Nawab Sahib from the Frontier. (Loud Applause.)

The Honourable Sir Henry Craik: Sir, I should like to begin by tendering my congratulations to the last speaker for the tone of moderation and restraint which marked his observations. I know this is a subject on which he must feel deeply and that it is a subject which affects him personally and closely, and as I say, I must congratulate him on the restraint and moderation which he has observed. (Applause.) If, later on, in my own remarks, I have to controvert some of the statements he made, I hope he will recognise that I imply no personal mistrust of his own convictions and that I recognise that every man has a right to his own opinions. Mine, on the information supplied to me, will differ very greatly from his: but, none the less, I will show, I hope, by the way I handle the subject that I respect his as much as I hope he will respect mine. Next, I should like to congratulate the Mover of this Resolution on his fortunate re-appearance in this Assembly.

Mr. B. Das: Thank you.

The Honourable Sir Henry Craik: He is one of the very few of the olden brands who have been snatched from the burning. In the last Assembly, I remember, he told me he was a Congressman, and I told him he was not a good one as he did not wear a Gandhi cap. Now, Sir, he wears a Gandhi cap—but I think with a jauntier tilt than any other Member (Laughter); in fact, I notice, I think, that the colour has assumed the slightly war-like hue that we usually associate with troops on active service. But I am afraid I cannot conscientiously congratulate my Honourable friend on the way in which he handled the subject. He betrayed, I thought, a sad confusion as to the sequence of the historical events connected with this question and, I am afraid, he was suffering from what I may call an absence of background as to the conditions of life in the Frontier Province. Now I do not claim myself for a moment that I know the Frontier Province well, but I have paid many visits there, and, I do think, I have managed to absorb in some degree, at any rate, what is the great background of life in the Frontier Province. And that is that it is a very small area, a comparatively small area of British territory, bounded on two sides by tribesmen who are not our fellow-subjects, who are armed, I think, I can say without exaggeration, armed to the teeth and who are always potential raiders into our territory, if not potential enemies in regular warfare. The gravity of any disturbance of the peace or any menace to ordered government in the Frontier is far graver than in any other part of India. The simile which the last speaker quoted from I think the Simon Report of the limitations placed on the liberty to smoke cigarettes of the man who sat in a powder magazine is eminently true for the Frontier Province and, I think, no one who has lived there or visited it for more than a few hours can fail to appreciate that fact. There is this fertile plain, surrounded by these grim and frowning hills which you know are full of men armed to the teeth, whose favourite recreation, if one may say so, is raiding into British territory. You live in many places behind a barbed-wire enclosure, you have sentries posted everywhere and you have a very much stronger

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military force in proportion to the size of this area than in any other part of the Empire. You live there almost literally under the shadow of war.

Now, Sir, before I begin to deal with the merits of the question raised in this Resolution, I should like to remind the House of some very wise words which fell from the Honourable the Leader of the Opposition the other day. He said—speaking on a totally different subject—“let us show that we can fight without rancour and to take defeat cheerfully, or to take defeat with courage”. Now, that struck me at the time as a most admirable sentiment and, I hope, that the older this Assembly grows, the more will that maxim be acted upon. Let us differ, if I might put it like this, like gentleman and let us not import rancour into our discussions. I say that particularly today because I am aware that the subject is a highly contentious one and that, I myself, of necessity must take views diametrically opposed to those of most of the speakers who have preceded me. I cannot ignore that the opinion of the majority of the House is probably against the Government on this point and I hope we shall show no rancour in the debate and, if we have to be defeated, we shall have to face defeat. But I must at the outset make it clear that on a question of this kind, the sole responsibility must lie on the executive Government. If Government makes a mistake or shows weakness that leads to serious disorder or even to serious risk of war on the Frontier, the responsibility is with the Government and not with this Assembly. Therefore, in a matter of this nature, whatever the form of the Government may be, the responsibility for deciding a question of this gravity must be that of the executive Government. Sir, one feature of some of the speeches made on this Resolution has been that Government is unfairly discriminating against a certain society or against a certain province. Now, Sir, there has been no question of discrimination. When the ban was removed on Congress organisations at the beginning of June last, a Resolution was published by the Government of India, in which it was quite clearly stated, that the notifications would not be withdrawn against any revolutionary organisations or any organisations which, in the opinion of Government, were a danger to the peace of the country. In accordance with this policy it was stated in the Resolution that the Government of the North-West Frontier Province had decided, with the full approval of the Government of India and the Secretary of State, that the notifications against the Red Shirt organisations shall continue in force. There are many other organisations against whom the ban continues in force. All of them are organisations which we regard as revolutionary in character or a serious menace to the peace of the country. There are certainly, I think, some six or seven in the Punjab; there are some in Bengal; a good many in Bombay and, I think, that, with one or two exceptions, there are some of those organisations in every province.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): None in Madras.

The Honourable Sir Henry Craik: Madras may be an exception, but my point is, that there is no question of discrimination against this particular society or against this particular province, and that should have been clear to anybody who read the Resolution of June last carefully.

Now, Sir, the Congress claim, I understand, is that, since August, 1931—but not before that—the Red Shirt organisation was a regular part of the Congress machine, pledged to accept its discipline and subject to the All-India Congress Committee. Now, if that claim is to be made good, it is up to the Congress to show that this organisation did, in fact, obey the Congress principles and was, in fact, subject to the Congress discipline. But the facts are absolutely contrary to this. I am not denying—in fact I admit—that there was a sort of working alliance between the Red Shirt organisation and the Congress after August, 1931, but not before that. Before that they were quite apart from the local Congress organisation in Peshawar. But after August, 1931, did they, in fact, remain non-violent or did they not? The Honourable Member who spoke last and also the previous speakers said that it was a perfectly peaceful and non-violent body, interested mainly in social reform and in no way violent in word or deed. My case, on the contrary, is that, although it admittedly started as a body pledged to the cause of social reform, it gradually became more and more a purely revolutionary society and more and more directly violent in its methods until it became known to the general public as a society directly pledged to turn out the British out of India by violent means. Now, Sir, the history of the movement has been sketched in very broad outline by certain previous speakers up to the point when Khan Abdul Ghaffar Khan went to jail sometime, I think, in April, 1930. I will not go over the same ground again. I would like to deal particularly with the period after the conclusion, in March, 1931, of the Irwin-Gandhi Pact, in pursuance of which he was released and returned to the Frontier province. I am surprised that only one speaker today has referred to the very long and complete statement of his activities and the activities of the organisation which he was leading which was published by the Chief Commissioner in December, 1931. It has really surprised me that that document, which is really an unanswerable proof of the violent character of this organisation or, at any rate, which has never been answered in any way that I am aware of, was apparently not within the knowledge of Honourable Members of this House. It was followed a few days later by a long printed statement, which I have before me, running to some 24 pages, giving from month to month and almost from day to day instances of acts of gross violence in some cases committed by the members of this Association. It brings out clearly—I will not weary the House by reading a number of these though I am perfectly prepared to make copies available to any Honourable Member who care to see them—first of all that the so-called professions of non-violence were absolutely lip professions and they meant nothing.

Dr. Khan Sahib: It is not correct.

The Honourable Sir Henry Craik: I know it does not agree with the Honourable Member's case, but I listened to his case without interruption and he should give me the courtesy of listening to mine. The Honourable Member says that it is not correct and my reply to it is that it has been on record and published for over three years and it has never been contradicted, even in Peshawar.

Dr. Khan Sahib: Who could contradict it?

Mr. President (The Honourable Sir Abdur Rahim): Order, order: The Honourable the Home Member does not want to give way.

The Honourable Sir Henry Craik: The Honourable Member may have been in jail, but there were hundreds of his people who were out of jail and who did not contradict it. It gives instance after instance of cases of violent resistance to the authorities, of compulsory levies of money, of refusal to pay taxes. My case is, that Khan Abdul Ghaffar Khan was inciting the tribes beyond our border to revolt against our authority; he encouraged one section of the Mohmands, led by that well known fanatic, the Haji of Turangzai, a close relation, I understand, of Khan Abdul Ghaffar Khan. He encouraged him to bring a Lashkar of 700 men who sat on our border and had to be opposed by nearly a brigade of troops. He encouraged the Afridis who were then at war with the Government to raid our territory and he encouraged serious unrest among other sections of the tribes.

Mr. Mohan Lal Saksena: Does it not refer to April, 1930?

The Honourable Sir Henry Craik: It may refer to that period.

Mr. Mohan Lal Saksena: I would like the Honourable the Home Member to enlighten this House about the incidents during the year 1931 when Khan Abdul Ghaffar Khan was in the Frontier or events which took place after 1931.

Mr. President (The Honourable Sir Abdur Rahim): It is left to the Honourable Member to answer or not.

The Honourable Sir Henry Craik: I have brought out this point although it is perfectly correct that it was in 1930. It has not yet been put to the House in any of the speeches made till now; no mention has been made of his traffic with the tribes beyond our border or the organisation of opposition to the payment of taxes. If the Honourable Member wants to know what happened in 1931, I can let him have a copy of this document which will, I fancy, considerably surprise him. Page after page narrates details of cases of violence.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that this House demanded an enquiry?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member must not be interrupted in this way. Let him proceed with his speech.

The Honourable Sir Henry Craik: It is clear, that, during this period, the authorities were taking the most conciliatory attitude. That, I suppose, was in the hope that Khan Abdul Ghaffar Khan had wiped out his past by his period of incarceration and in the hope that with the Gandhi-Irwin Pact in being and the prospect of the reformed constitution coming in in the Frontier Province that he would co-operate in giving a favourable introduction to these reforms. The Chief Commissioner—now I am dealing with 1931—made every effort to get into touch with Khan Abdul Ghaffar Khan, both personally and through his local officers, but every offer made to see the Chief Commissioner was refused. On the contrary, Abdul Ghaffar Khan, went about the province in defiance of orders forbidding

public meetings and held meeting after meeting and each of his speeches showed an increasing spirit of racial hatred and rebellion. He said quite openly that his object was to turn the British out of India and that by force. During this time there was staged in Charsadda, under the direction of the local Red Shirt organisation, a drama of a violently seditious character in which direct incitements were made to the audience to murder the Assistant Commissioner of Charsadda, and shortly after an attempt to murder that officer, Mr. Barnes, was made. It is true that Khan Abdul Ghaffar Khan was absent from the province at the time, but on his return the first step he took was to congratulate the people, who had staged that drama, on their courage. I would like to give the House one instance of the kind of spirit engendered by the Red Shirt propaganda in the Frontier Province, or in certain parts of the Frontier Province. At the end of 1931, in December, an English lady was thrown from her horse while hunting with the Peshawar hounds and broke her leg. This accident happened some two miles from the metalled road and the villagers turned out with their traditional hospitality and Pathan courtesy and put the lady on a *charpai* and started carrying her on the road. They passed by a village called Kasim and the Red Shirt leader of that village and his men endeavoured to prevent the bearers of the *charpai* from proceeding with their burden. However, the bearers, I am glad to say, proceeded in spite of the jeers and insults and they carried the *charpai* with the injured lady on it for over a mile surrounded by these Red Shirts shouting out jeers and imprecations. Nothing could be more different from the traditional courtesy and the traditional attitude of the Pathan than an incident like that.

Dr. Khan Sahib: It is not true, Sir.

The Honourable Sir Henry Craik: I have said, Sir, that though, subsequently at a later stage, the Red Shirt organisation came to be identified with the Congress, at one time, it was in sharp conflict with the older Congress bodies in Peshawar. I have here a written petition presented by the Congress committee against the Red Shirts closing with the statement that they, the Congress people, feared that the movement for the liberation of the country would suffer rather than gain from the activities of the Khudai Khidmatgars.

Mr. Mohan Lal Saksena: To whom is it addressed? Who is the writer of the petition.

The Honourable Sir Henry Craik: It was presented by the Peshawar Congress Committee. They narrated a number of incidents; it is part of this printed report which is published.

Mr. Mohan Lal Saksena: Are there any names?

The Honourable Sir Henry Craik: No names.

Major Nawab Ahmad Nawaz Khan: In such reports no names are given. (Laughter.)

The Honourable Sir Henry Craik: The points that I am trying to establish are these, that the Red Shirt organisation was not a non-violent organisation. Its aim was complete independence and the ejection of the

[Sir Henry Craik.]

British, the forcible ejection of the British Government. It was engaged in inciting the Trans-border tribes against us. As regards that particular part of the subject, I hope another speaker on these Benches will develop and will bring out the fact that this movement practically led to two small frontier wars. The leaders also engaged in a systematic campaign of discouraging people generally from the payment of taxes, that is land revenue, and even from the use of canal water. Considering all their objects and their methods I do not see how anybody can take the view that they were not a grave menace to the peace of that very inflammable country. It is clear that in those circumstances, there can be no justification for allowing such an organisation to continue. It may of course be argued that the Frontier has been quiet since the ban was imposed in 1932. But I would ask the House to remember, in that connection, a few facts. The new Constitution was introduced in the Frontier Province sometime in April, 1932. The Red Shirts did their best to prevent the general election going on peacefully. They did their best to hinder the initiation and the development of the reforms. Since then, in the period of three years that have elapsed, I am assured by the Government of the North-West Frontier Province that political life has developed to a surprising extent on peaceful and constitutional lines. Those general elections of April 1932 were disfigured by many instances of Red Shirt bullying and assaults on would-be voters. The election for the Assembly that took place the other day, resulting in the return of the Honourable Member who spoke last, was conducted in a perfectly peaceful manner. His canvassers were allowed complete freedom to do as they liked and nobody has made the slightest complaint about the way in which they acted. He is free to return to the province whenever he likes to do so, and the other leaders of the movement have also been released with the exception of Abdul Ghaffar Khan who has been convicted in a Court of law. But I can see no justification for Government taking the risk with those conditions, the conditions that prevailed in 1930-31, when the province was for some months on the brink of a precipice, when war right along the Frontier was half a dozen times on the point of breaking out, when troops had to be taken from their stations and employed on an extensive scale in repelling raiders, when on no less than two occasions, the Afridis got right down into the heart of Peshawar City. I can see no justification, I say, for Government taking the risk of allowing those conditions to recur. If this Red Shirt movement were to be revived

Dr. Khan Sahib: May I ask a question, Sir?

The Honourable Sir Henry Craik: I am not giving way.

If this movement were to be revived it would be regarded by the public generally in the province, and still more so by the trans-border tribes, as a sign of weakness on the part of the British Raj. The tribes are only too quick to suspect weakness on the part of the authorities in the North-West Frontier, and directly they see such weakness they will pounce down like the eagle on its prey. We are not going to incur that risk and we are not going to allow this organisation to function.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I would have been wanting in a sense of duty if I did not associate myself in a few words with the Resolution which has been moved

before the House. And I am the more impelled to do so by the speech that has been just concluded by the Honourable the Home Member. I am not merely referring to his manner, not merely referring to his words, but referring to the spirit which was behind it. Undoubtedly it is not for a man like me to congratulate him. He, being perhaps a very clever painter, put into the background, as he calls it, incidents long past, then translated them into generalities and then turned it into a bogey. That is a kind of picture which I am not clever at drawing and it is not the kind of picture that is going to deceive any man who has got a pair of eyes. The only other reason which impelled me to associate myself with this Resolution is the fact that perhaps with the single exception,—or not even with the single exception,—of the Honourable Member from the North-West Frontier, I was perhaps the last man who was closely associated with Khan Abdul Ghaffar Khan before his last conviction and incarceration, for a speech which was unearthed some three or four months after it was made. It became almost a problem as to why that speech was unearthed and what was in it. So far as Government is concerned, there is a very salutary provision, advisedly made in the Code of Criminal Procedure, so that the provisions of section 124-A may not be put into force unless they are required for a purpose of their own. Somehow or other, for a long period after that speech was made, it never occurred to Government that there was anything in it to prosecute Khan Sahib upon it; and yet one fine morning in Wardha he was arrested on a speech that he delivered before a Christian association only for the purpose of giving an honest account of what had occurred, to his own personal knowledge, with reference to the movement which he represented and of which he was the leader during the three or four years that he was associated with it. The first question after his arrest that he asked me as counsel was, "If truth can be a defence to the charge I am quite prepared to stand the trial and prove every single statement that is made in that speech". And indeed it amazed an honest Pathan to be told that he could not, that he might bring the Government into contempt and ridicule even if he told the barest truth. For indeed the very basis of that section appears to be that the Government must be deemed to be ideal; and if the truth be such that it turns out that Government is anything but ideal, he is guilty under section 124-A. All that he said in that speech was that the Khudai Khidmatgar movement was undoubtedly a social movement in its inception, followed equally undoubtedly on clear confession, supported and assisted by the non-violent truthful movement of the Congress. What he next said was, "We are out for educating our people, but the Government would not desire and did not desire that we should have that education. Our schools were dispersed and our schoolmasters were corrupted. That is the way in which the educational movement of Khudai Khidmatgar was suppressed". And he said, he was quite willing to prove every single word connected with every single event that he had given in that speech. Similarly, the incidents which have practically been admitted, during the course of this debate, were related showing the manner in which that movement was also sought to be suppressed. And yet we are told, that you may not tell the truth, you may not educate your people, you may not have an organisation. If the strong arm of the Government merely means this that that strength shall be applied in order that there may be no organisation in this land for the purpose of seeing that the land may be strong, that it may be consolidated, that it may progress and that it may

[Mr. Bhulabhai J. Desai.]

be powerful, that strong hand is something which must be indeed sinister in itself. (Applause.) That is the account that he gave of the record of his work. In that speech he said: "We were told that we are uncivilised, that if the strong hand of Britain is not there the Hindu Raj would swamp us". The rest of the Indians were told that if the strong hand of Britain is not here, the uncivilised Pathans would swamp you. It is by that double method of misrepresentation, as he put it in that speech, that this movement has been suppressed when indeed it was the desire of the Khudai Khidmatgars, by the common adoption of non-violent and truthful methods, to be at one and in common brotherliness with the rest of India. For these reasons I associate myself with the Resolution having, as I do and holding as I do, the highest personal opinion of Khan Abdul Ghaffar Khan as a man, powerful, truthful, just and prepared to suffer the worst in order only that truth may prevail. (Opposition Cheers.)

Khan Bahadur Nawab Muzaffar Khan (Punjab: Nominated Official): Sir, it is with a sense of grievance against this House that I stand as a Nominated Member. Some Members, as you are aware, said that we on this side have no conscience. We on this side have always treated the Opposition with the greatest respect, but I was surprised to find today that Maulvi Fuzlul Huq and my honoured and respected friend from the Frontier Province said something unpleasant about the Nominated Members, and I beg to draw your attention to this fact that we Nominated Members are, after all, human beings, we have got our conscience and can also be honest. You must have seen this very minute that a Nominated Member very frankly and honestly admitted certain things, although he knew that that admission was going against him. With these words, I will come to the point now before the House.

I come from a district—the Attock district—which is on the borders of the North-West Frontier Province. Our district, Sir, adjoined the two districts of Peshawar and Hazara. We are, therefore, in close touch with the movements on the Frontier and we have the greatest sympathy with the people of the Frontier. Probably Mr. Jinnah will remember that on that historic occasion when the introduction of reforms was being discussed in this Honourable House in old Delhi, about half a dozen of us, including myself, came all the way from Attock to listen to the debate. We all owe a deep debt of gratitude to Mr. Jinnah and Syed Murtuza Sahib and our Punjab representative, Raja Ghazanfar Ali Khan, who fought valiantly for the frontier people: we have always felt with them and we feel for them even now. It was, therefore, Sir, with the greatest pleasure, that, in the end of 1931, I accepted an offer that the Government of India made to me to carry out the reforms in the North-West Frontier Province. I thought it was a case of 'hum khurma wa hum sawab'—a duty combined with pleasure. I very much regret to say that that pleasure was diminished by the absence of Khan Abdul Ghaffar Khan from the Frontier Province, and the first thing that I did was to approach the authorities there—I am only a subordinate officer and I could not do more—and asked them about the circumstances of deportation. I wish I had gone there a little earlier and pleaded his cause. I saw the Chief Commissioner—now Governor of that province—Sir Ralph Griffith. He told me of the various unlawful activities of Red Shirts just now described by the

Honourable the Home Member. It is no use my going over the same ground. Towards the end he said he made a personal appeal to Khan Abdul Ghaffar Khan and to my Honourable friend, Dr. Khan Sahib, to work out the Reforms but to no effect. As Dr. Khan Sahib tells us he did work valiantly for the Reforms, but I wish he had stopped there to work them. His Excellency Sir Ralph Griffith was prepared to meet them and made a powerful appeal to him and Dr. Khan Sahib to come to a meeting that was to be held on the 22nd December; but I am sorry that both he and his respected brother, Dr. Khan Sahib, refused to attend that meeting, the only object of which was to bring it to the notice of the people that Reforms were soon to be introduced and to appeal to them to create a spirit of calm and peace before the introduction of the reforms, so that the reforms should be carefully considered and the intricate problems of franchise, etc., should be considered to the benefit of the various communities in the North-West Frontier Province. It came as a most painful surprise to me, because, if a man of Khan Abdul Ghaffar Khan's influence had led his party into the Council, I would have been the first person to congratulate him as the first Minister of that unfortunate province. But I was very sorry to see that he did not: he chose a different line. Not only that: but my idea was that Khan Abdul Ghaffar Khan, by this constitutional action, would have been able to remove some grievances of which he had been talking so much. One of his grievances was that he wanted free primary education: he was very keen on that. As a Minister he would have been able to do a lot. I assure the House that the Government went further, as compared to other Provinces, in treating the Frontier Province in the matter of transfer of subjects. They treated that province more generously than they treated the Punjab; and considering the grievances of the Frontier Province regarding Forest law, I agreed with Khan Abdul Ghaffar Khan that some of them were genuine; the British Government frankly and honestly came forward and transferred the Forests to the popular control. I understand an inquiry is being made by the Minister there. But all this was not to be. It was the misfortune of the country that Abdul Ghaffar Khan chose a different path, and, if I might make bold to say so, he went astray. I will not detain the House longer; but I will say this much that even at the elections, my first attempt was to interview as many Congressites as possible and to bring them to the path of constitution: I am glad to say that the old Congressites did come and they succeeded in many constituencies. They have done most useful work. I think the Opposition there is one of the best conducted in the Local Legislatures of India. I wish Abdul Ghaffar Khan had done the same: and even if he had not become a Minister, he could have done most useful work in the Opposition.

Now, I come to that unfortunate portion of the province at the time of polling. Before that, I had been touring, not exactly from village to village, but from tahsil to tahsil headquarters in order to educate the electorate, because that was the first time that the reforms were being introduced. In the course of my tours I was surprised to find about the Red Shirts or Khudai Khidmatgars as some people are pleased to call them: certainly they had good points, but a movement, when it goes amongst the masses, does not remain the same as its originators intended, and I noticed that in some cases they had organised a parallel administration. In one case,—I do not know and this is not my personal information, but

[Nawab Muzaaffar Khan.]

it was information that I got from the people there—a parallel tahsil had been set up for a collection of one-tenth—not the *chouth* of the Mahrattas—but it was one-tenth for the Red Shirts. That was the information that I gathered there. Another unfortunate case came to my notice,—and I hope my Honourable friend, Dr. Khan Sahib, over there, will not deny it. The Red Shirts did not merely interfere with the ordinary avocations of the people, but they went further and committed things which I think no civilised people would do, they showed the greatest disrespect for the dead,—and here may I ask my friend, Dr. Khan Sahib, if this did not actually happen in the North-West Frontier Province, in a place not more than three miles from Peshawar, in the village of Tahkal. They showed the highest disrespect for the dead by preventing people from saying their last prayers for the dead. Every Muslim has a right to go and say his last prayers for the dead, but these Red Shirts prevented and forcibly stopped many people from going to that place of burial and saying their last prayers. If my friend, Dr. Khan Sahib, puts me a question if that was done by the Red Shirts, it will be very difficult to say that it was done by them. It was not written on their foreheads that they were Red Shirts

Dr. Khan Sahib: Were you there?

Khan Bahadur Nawab Muzaaffar Khan: From the information received, it was quite clear that it was done by people who are known as Red Shirts, and I may say, Sir, that this was mentioned to me by an old Congressman—I would not like to divulge his name,—because, Sir, by divulging names I would be creating trouble and bitterness amongst the various parties on the Frontier. I accept all that was conveyed to me by that old Congressman, because I have absolutely no doubt of the fact, and I don't think Dr. Khan Sahib will deny that fact. The Congressman said that they were sorry for this unfortunate happening. Then came the time of elections. Sir, I was looking forward to a peaceful election, and I am glad to say that, generally speaking the elections went through very peacefully, but not in Charsadda and Mardan which is a Red Shirt area, and not in Shwabe, which is another Red Shirt area. In these two districts there was a lot of trouble, and people were prevented from going to the polls. They were not merely prevented from going to the polls, but in some cases force was used. In one case, in Charsadda, a sub-inspector was stabbed, and in Shwabe and Mardan tahsils more than 20 constables were wounded by stone throwing. These were the things that happened. Again, if you ask me if I saw them with my own eyes, I can, only say "no", but I say this on the statement of Magistrates who acted as Presiding Polling Officers at the various polling stations. There was one thing that I saw with my own eyes. During the elections, I thought I must have a little holiday and I was driving down to my village. On the way—most unfortunately I thought of inspecting one of the polling stations at Swabi. I went there at about two o'clock. Sir Abdul Qaiyum was one of the candidates, his rival was Khan Abdul Ghaffar Khan of Zaid. They had come to some sort of arrangement. It really was a formal election in which there was no real contest, except that one candidate polled a slightly larger number of votes than the other. But, even in this case, there was a large crowd at the polling station. I was on one side of the river,—and, I

think,—I don't remember the names now of all the polling officers who were there,—but I remember one—Shaikh Abdul Hamid, an E. A. C. He is one of the most honest and capable officers that we have on the Frontier. He was there. It was he who told me that the polling station was surrounded by Red Shirts, and it was with great difficulty that a certain number of people were allowed to vote. Thinking that perhaps discretion was the better part of valour, I went back to my own village. These are, Sir, some of the instances. India is a vast country, Sir, and conditions are different in different provinces. I would, therefore, most respectfully appeal, through you, Sir, to the House, that they should take into consideration all these facts before casting their vote, and particularly the peculiar conditions prevailing in the North-West Frontier Province. There we have a very brave and excitable people. They live on the borders of the tribal area, and there, as the Honourable the Home Member has pointed out, the tribesmen are always watching for the slightest breakdown or the slightest weakness of the administration, there these tribesmen are watching like hawks for any slight breakdown or weakness of the administration. I do not say that the ban should not be removed, but let us carefully consider the peculiar conditions existing in the North-West Frontier Province before Honourable Members cast their votes. Perhaps the time has not yet come. Let us wait for a little longer. With these few words, I oppose the Resolution.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Mr. President, I really am an unwilling intervener in this debate, but having regard to the tone that this debate has taken, I feel that I owe it to the House that I should place my views before the House and the Government also. Sir, I followed the Honourable the Home Member with very great attention. I am willing to assume for a moment that the case that he presented to the House is correct, for instance, the description that he gave of what took place in 1930, 1931 and 1932. 1933 is missing, 1934 is missing, and we are now in 1935. I am not going, Sir, to accept the proposition that any movement of a gigantic character, such as the movement in the North-West Frontier Province, can possibly remain absolutely non-violent, whatever may be the desire of the leaders of that movement. It must necessarily lead to some violence, it must necessarily lead to some crimes. On the other hand, I am not prepared to accept the case of the Government that they were also not guilty of great blunders, and I think my friend, Mr. Metcalfe, admitted it, at least in one instance, he very rightly and frankly expressed his regret that such a thing had happened. Sir, when forces are let loose on both sides, it is impossible to prevent grave mistakes, it is impossible to prevent grave blunders and violence on both sides. But, Sir, when the Honourable the Home Member, after making out a case for the Government, after trying to justify the actions of the Government, came to his conclusion, he lost all my sympathy, because he said it in so emphatic terms, "We are not going to remove the ban on this organisation". Why? Because he said. . . .

Major Nawab Ahmad Nawaz Khan: There are dangers.

Mr. M. A. Jinnah: Please don't make too much of these dangers. Did we not make out a case that the Germans were baby killers? Have we not made peace with them? Is the war going to continue for all times, for

[Mr. M. A. Jinnah.]

ever and ever? (Hear, hear.) That is the question I want to ask the Government. Do not overdo it. If you have vanquished your enemy, if you are a victor, it becomes you all the more to be generous when he has ceased those activities. And here you have Dr. Khan Sahib. He is a Member of this House. He has come to this Legislature. Are you not going to help, are you not going to encourage not only one leader of that organisation or two leaders of that organisation, but the rank and file? Do you want to refuse them, to turn them away and not give them a chance to come on to the path that you desire and I desire? And that is the constitutional path. Sir, I appeal to you to consider the question, because here you have, as the Honourable the Home Member very rightly says and he feels it and very rightly feels,—you have got here the almost unanimous wish and desire and opinion. We are not finding fault with you. We are not apportioning blame. I am not going into that. Do you want to be statesmen, or do you want still to continue this rancour and bitterness? That is the question. I say, if you really want to rise to the occasion, here is an occasion for you. Do restore peace in the North-West Frontier Province, bring them back to constitutional methods, and what is more, respond to the all-India feeling in this House. (Hear, hear.) I tell you, it is not too late for you. Win them back, win them back, and restore real honest peace and goodwill in the North-West Frontier. (Applause.)

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): I move that the question be now put.

Some Honourable Members: Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly recommends to the Governor General in Council....."

The Honourable Sir Henry Craik: Have I not got a right of reply?

Mr. President (The Honourable Sir Abdur Rahim): No, as the Honourable the Mover has not asked for his right of reply.

Mr. B. Das: I do not want to reply.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly recommends to the Governor General in Council to take immediate and necessary steps to remove or cause to be removed the ban on the Khudai Khidmatgars' organisation in the North-West Frontier Province."

The Assembly divided.

AYES—74.

Aaron, Mr. Samuel
Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar Mr. M. Ananthasayanam
Azhar Ali, Mr. Muhammad.
Ba Si, U.
Badi-uz-Zaman, Maulvi.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardoloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatache'lam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jinnah, Mr. M. A.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Khare, Dr. N. B.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mody, Mr. H. P.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Nauman, Mr.
Murtuza Sahib Bahadur, Maulvi
Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Siddique Ali Khan, Khan Sahib
Nawab.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.
Ziauddin Ahmad, Dr.

NOES—46.

Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Ayyar, Rao Bahadur A. A.
Venkatarama
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dow, Mr. H.
Drake, Mr. D. H. C.
Fazl-i-Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Kirpalani, Mr. Hiranand Khushiram.
The motion was adopted.

Lal Chand, Captain Rao Bahadur
Chaudhri.
Metcalf, Mr. H. A. E.
Milligan, Mr. J. A.
Monteath, Mr. J.
Morgan, Mr. G.
Mukharji, Mr. N. B.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Muzaffar Khan, Khan Bahadur
Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A. J.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan, Captain
Sardar.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir
Nripendra.
Sloan, Mr. T.
Swithbank, Mr. B. W.
Tottenham, Mr. G. R. F.

Mr. President (The Honourable Sir Abdur Rahim): There are three other Resolutions to the same effect. Those are barred by the result of this Resolution.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): I have a Message from His Excellency the Governor General:

(The Assembly received the Message standing.)

"Order.

In pursuance of the provisions of sub-section (2) of Section 63-C of the Government of India Act, I, Freeman, Earl of Willingdon, hereby signify that I approve the election by the Legislative Assembly of Mr. Akhil Chandra Datta as Deputy President of the said Assembly.

(Sd.) WILLINGDON,
Viceroy and Governor General."

NEW DELHI;
The 5th February, 1935.

RESOLUTION RE PREVENTION OF IMPORTATION OF FOREIGN RICE.

Mr. Satya Narayan Sinha (Darbhanga cum Saran : Non-Muhammadian): Sir, I beg to move the following Resolution that stands in my name:

"That this Assembly recommends to the Governor General in Council to take effective and immediate steps, fiscal and other, to prevent or to control the importation of foreign rice, especially from Siam and Indo-China into India."

I will not take up much of the time of the House by dwelling at length on the importance of the Resolution which I have placed before you, firstly, because, the question which it raises is so important that there is hardly any Honourable Member of this House, to whichever Party he may belong, who does not agree with me on this point, and, secondly, because most of us are tired and are anxious to go back home. The trade depression has rendered the condition of trade and industry miserable everywhere, but the condition of our unfortunate country beggars description. While other countries, which have their national Governments, have done and are doing their utmost to make the best of the situation by the manipulation of tariffs and other fiscal policies, our condition, because of our being under an alien Government, is going from bad to worse every day. Sir, by this depression, the prices of raw materials have especially been disastrously affected, and, therefore, the plight of our people has become really pitiable.

Sir, paddy cultivation occupies the first place in the agricultural economy of India. In 1932-33, 802 acres of land was under paddy, being about 40 per cent of the land under food crops in this country. From the standpoint of area, Sir, it is about two and a half times as important as boiled seeds or fibre crops. There are, Sir, some approximate figures which give a general indication of the relative value on a monetary basis of the five

leading agricultural crops in eight provinces of British India, namely Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma, Bihar and Orissa and the Central Provinces. We are now in 1930-31 here below:

Rice, 276.66 lakhs,
Wheat, 47.47 lakhs,
Boiled seeds, 40.94, lakhs,
Sugar-cane, 37.53 lakhs, and
Cotton, 22.23 lakhs.

Thus it is clear that rice is the most important agricultural crop so far as India is concerned. A sharp rise or fall in its price over a continuous period affects the value and the prices of other staple commodities and determines the purchasing power of the people. It is no exaggeration, therefore, when I say that the property of the rice producer lies at the basis of Indian prosperity. The catastrophic fall in the price of this commodity is spreading hunger unsatisfied and destitution among the labouring classes in districts where plenty of rice is produced by reducing employment, driving cultivators to insolvency Courts and in several other ways. I will now try to put before you, Sir, the principal rice-exporting countries of the world in order of importance. They are India, Siam, Indo-China, Italy, the United States of America, Egypt, Spain and Portugal. The export trade of these countries in lakhs of tons is as follows:

India, average, between 1923 and 1927, 22.4;
Siam, 12, and in 1932-33, 16.5;
Indo-China between 1923 and 1927, 11.7, and in 1932-33, 13.8;
Italy, between 1923 and 1927, 1.3, and in 1932-33, 1.8;
United States of America, between 1923 and 1927, .5;
Brazil, in 1932-33, .3.

It will be noticed that while the export trade of India has gone down, 5 P.M. that of Siam and Indo-China has gone up.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair takes it that the Honourable Member will not be able to conclude his speech today?

Mr. Satya Narayan Sinha: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Very well. The debate on this Resolution stands adjourned till the next Resolution day.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th February, 1935.

LEGISLATIVE ASSEMBLY.

Wednesday, 6th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): May I suggest, Sir, that for today and tomorrow the question hour be dispensed with to enable the Honourable Members to have more time to discuss the Joint Parliamentary Committee Report?

Mr. President (The Honourable Sir Abdur Rahim): Questions will go on today. If we cannot finish the business in time, then we will consider whether the questions should be dispensed with tomorrow.

QUESTIONS AND ANSWERS.

INTRODUCTION OF THE STATUTORY RAILWAY BOARD BILL IN THE LEGISLATIVE ASSEMBLY.

21. *Mr. Lalchand Navalrai: Will Government be pleased to state if they intend to introduce the Statutory Railway Board Bill during this Session of the Legislative Assembly? If not, when will it be introduced, and why is it being delayed?

The Honourable Sir Joseph Bore: Government do not propose to introduce a Statutory Railway Authority Bill during this Session and are unable to say when they will be in a position to do so.

Dr. Ziauddin Ahmad: Will it be necessary to introduce any Bill at all for the Statutory Railway Board in view of the Government of India Bill?

The Honourable Sir Joseph Bore: That is a matter of opinion.

Dr. Ziauddin Ahmad: I am asking the Government whether in view of the Government of India Bill, they are contemplating to introduce any Statutory Railway Board Bill at all or not?

The Honourable Sir Joseph Bore: I said that was a matter of opinion.

Dr. Ziauddin Ahmad: I am asking for facts—whether the Government of India are contemplating to introduce the Bill? Will they do it?

The Honourable Sir Joseph Bhore: As at present advised, I think they will.

Mr. S. Satyamurti: May I know if the Government of India were consulted as to putting the Statutory Railway Board into the Government of India Bill and not leaving it to this House?

The Honourable Sir Joseph Bhore: Will the Honourable Member kindly repeat his question?

Mr. S. Satyamurti: May I know if the Government of India were consulted before the Statutory Railway Board provision was put in the Government of India Bill and the matter was not left to be legislated upon by this House?

The Honourable Sir Joseph Bhore: I am not in a position to disclose on what matters the Government of India were consulted and on what matters they were not consulted.

Mr. S. Satyamurti: I am only asking

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member has answered the question.

Mr. S. Satyamurti: May I ask, then, what the Government of India now think, in view of the provisions in the Government of India Bill, are the subjects on which they propose to introduce the Statutory Railway Board Bill here?

The Honourable Sir Joseph Bhore: If my Honourable friend will wait and consider the Bill if it is introduced, he will then realise what are the subjects which will be dealt with in the Bill.

Mr. V. V. Giri: Are the Government of India aware that public opinion and labour opinion is against the introduction of the Statutory Railway Board?

The Honourable Sir Joseph Bhore: I am not aware of that, but I am quite prepared to take it from my Honourable friend.

NON-EMPLOYMENT OF A SIKH IN THE OFFICES OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE AND THE DIRECTOR GENERAL OF ARCHEOLOGY.

43. *Sardar Sant Singh: Is it a fact that there is no Sikh employed either in the permanent establishment or temporary establishment in the offices of:

(a) the Director General of Indian Medical Service, and

(b) the Director General of Archaeology?

If so, why?

Mr. G. S. Bajpai: I would refer the Honourable Member to the reply given to part (a) of his starred question No. 240 on the 31st August, 1933. There has been no change since.

REDUCTION OF WAGES IN CERTAIN FACTORIES.

44. *Dr. Ziauddin Ahmad: (a) Are Government aware that some factories in India have reduced their wages on the ground that in the revised Factories Act the hours of labour per week have been reduced?

(b) What are the names of such big factories?

(c) What action, if any, did Government take on such measures?

(d) Is it not a fact that such action on the part of mill owners defeats the very purpose of the revised Factories Act?

The Honourable Sir Frank Noyce: (a) and (b). I am not in possession of full particulars for large factories in India, but in respect of those important groups of which I have information it does not appear to be a fact that reductions in rates of wages have been made on the ground that working hours have been reduced. In July last the Bombay Millowners' Association formulated a scheme designed to safeguard time-workers against any decrease in wages on the introduction of the shorter week and to allow piece-workers an increase in their dear food allowance to compensate them for their probable loss in earnings. An all-round reduction in wages was recently the subject of an agreement in Ahmedabad mills, but, I think I am right in saying, that the reduction in the rates did not arise directly out of the change in hours. Where piece-rates are in force the workers' earnings are bound to be diminished by a reduction in hours unless the rate of wages or the rate of production is increased.

(c) None.

(d) Does not strictly arise. But as I stated in my speech, in this House, on the 17th July last, Government fully recognized that shorter hours must in some cases involve some sacrifice on the part of the workers.

Mr. N. M. Joshi: May I ask whether the Government are aware that, in the United States of America, President Roosevelt has insisted, not only upon the reduction of the hours of work, but also upon wages being increased?

The Honourable Sir Frank Noyce: Yes, Sir, and I am also aware of the results so far achieved by that experiment.

Mr. N. M. Joshi: May I ask that, on account of the results so far achieved, the Government of India will follow the example of President Roosevelt?

The Honourable Sir Frank Noyce: Certainly not.

DESTRUCTION OF CERTAIN PUBLICATIONS BY THE CENTRAL PUBLICATION BRANCH.

45. *Qazi Muhammad Ahmad Kazmi: (a) Is it a fact that some Government publications including Quinquennial Reviews on the Progress of Education in India are to be destroyed by the Central Publication Branch after the 15th January, 1935?

(b) Will Government be pleased to state if any attempts were made:

(i) to sell them at low price, or

(ii) to give an opportunity to various libraries and educational institutions in the country to get them free of cost, before the order of their destruction?

(c) If the reply to part (b) be in the negative, will Government be pleased to give reasons for the order of destruction in preference to their free distribution?

The Honourable Sir Frank Noyce: (a) Yes.

(b) (i) No.

(ii) Yes.

(c) Does not arise.

DUMPING OF RICE INTO THE MADRAS PRESIDENCY.

46. *Prof. N. G. Ranga: (a) Will the Honourable the Commerce Member be pleased to state: (i) the annual net exports of rice from the Madras Presidency, and their value since 1914; and (ii) the total acreage of paddy, its production in the Madras Presidency and also in the whole of India since 1914?

(b) Is the Honourable the Commerce Member aware of the fact that foreign rice is being dumped by land in the first instance into Burma and thence into Southern India?

(c) Will the Honourable the Commerce Member be pleased to state (i) the quantities of rice imported in every quarter into the Madras Presidency during the last three years; and (ii) the prices of paddy obtaining in Tanjore, Madras, Coimbatore, Bangalore, Bezwada, Cocanada and Vizagapatam centres during that period as compared to the prices in 1913-14 and 1919-20?

(d) Is the Honourable the Commerce Member aware of the fact that the prices of paddy had been adversely affected by the dumping of foreign paddy, and if so, what has been the effect thus produced during the successive half-years in the last three years?

(e) Is the Honourable the Commerce Member aware of any representations, asking for legislation to stop this dumping, made to the Government

of Madras through the District Collectors, by peasants during the Peasants' Weeks in March and November, 1933, and also through resolutions passed in their conferences in December, 1934?

(f) Will the Honourable the Commerce Member be pleased to state (i) when and what representations have been received by him from the Madras Government and addressed by them to the Governments of Siam and other countries from which rice is imported into Southern India; and (ii) the stage reached by negotiations, if any, so far carried on with the foreign governments concerned?

(g) Will he be pleased to place on the table of this House the correspondence between the Government of India and the Government of Madras and also that between the Government of India and the foreign governments concerned?

(h) Will the Honourable the Commerce Member be pleased to state if the Government of India intend taking any legislative or administrative action to stop this dumping of rice into the Madras Presidency, and if so, what action is proposed to be taken and when?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer this question.

(a) (i) A statement is laid on the table.

(ii) The Honourable Member will find the information in a publication of the Department of Commercial Intelligence and Statistics entitled "Estimates of Area and Yield of Principal Crops in India", copies of which are in the Library of the House.

(b) Government have no information.

(c) (i) and (ii). Statements are laid on the table.

(d) Government have received representations to this effect but the exact interaction of imports on prices is difficult to determine.

(e) The Government of India have no information on the subject, but are prepared to accept the implication of the Honourable Member's question that representations have been made to authorities in Madras and that resolutions have been passed.

(f), (g) and (h). The whole question is under the consideration of Government and I regret that the question of publishing the correspondence referred to by the Honourable Member cannot be considered until the main problem has been dealt with.

I.—*Net Exports of Rice and Paddy by sea from Madras Presidency (including Coastal Trade.)*

Year.	Rice not in the husk.		Rice in the husk (paddy.)		Remarks.
	Quantity.	Value.	Quantity.	Value.	
	(Tons.)	(Rs.)	(Tons.)	(Rs.)	
1914-15	74,216	1,72,42,800	—178,368	—1,23,42,522	As values of exports to foreign countries for the years 1914-15 to 1921-22 are reported in pounds, they have been converted into rupees on the yearly average exchange basis.
1915-16	161,416	3,36,39,271	—151,890	—98,43,208	
1916-17	103,340	2,42,34,396	—59,135	—41,20,073	
1917-18	99,055	2,37,13,344	—32,397	—23,06,905	
1918-19	—127,662	—1,08,87,994	—14,604	—7,12,045	
1919-20	—418,221	—5,10,63,203	—47,033	—45,77,362	
1920-21	—261,681	—2,85,18,438	—67,094	—61,39,345	
1921-22	—146,660	—2,20,09,750	—106,677	—1,02,92,266	
1922-23	—236,142	—3,65,82,434	—137,271	—1,36,47,355	
1923-24	—236,492	—3,46,61,952	—92,737	—91,11,722	
1924-25	—295,820	—4,50,97,029	—100,711	—1,03,31,613	
1925-26	—300,013	—4,09,42,111	—114,501	—1,19,80,984	
1926-27	—94,134	—89,69,798	—86,574	—92,77,928	
1927-28	—280,624	—3,46,52,120	—107,924	—1,14,82,340	
1928-29	—330,764	—4,61,22,134	—159,391	—1,64,20,874	
1929-30	—168,160	—1,56,95,084	—115,016	—1,07,24,709	
1930-31	—245,331	—1,94,68,310	—107,206	—77,92,617	
1931-32	—122,474	—2,73,86,097	—120,220	—70,04,463	
1932-33	—413,537	—2,94,02,275	—67,370	—38,20,414	
1933-34	—531,291	—2,84,20,764	—83,962	—73,12,811	
1934-35	—629,800	—3,68,83,736	—147,704	—73,44,528	

(nine months, April—December.)

II.—*Imports of Rice into Madras Presidency by Sea.*

Period.	From abroad.			From other Indian ports coastwise.		
	In the husk.	Not in the husk.	Not in the husk.	In the husk.	Not in the husk.	
	Quantity. (Tons.)	Value. (Rs.)	Quantity. (Tons.)	Value. (Rs.)	Quantity. (Tons.)	Value (Rs.)
1	2	3	4	5	6	7 8 9
January to March, 1932	2	90	3,844	3,73,360	27,100	15,35,640 128,240 97,58,232
April to June, 1932	3	140	13,600	12,53,072	35,131	20,32,104 118,535 93,27,519
July to September, 1932	3	206	3,731	3,27,077	11,591	6,85,623 104,012 94,33,441
October to December, 1932	4	309	9,240	8,08,018	3,107	1,81,880 81,803 64,74,531
January to March, 1933	..	5	8,847	7,04,657	19,570	10,46,336 141,024 99,27,610
April to June, 1933	..	98	2,446	1,88,349	42,703	18,12,445 164,327 1,05,95,467
July to September, 1933	1	36	5,712	4,01,021	12,542	5,60,432 125,109 71,88,006
October to December, 1933	1	58	17,209	10,54,720	4,089	2,09,160 98,986 57,75,535
January to March, 1934	4,379	2,23,976	52,298	28,34,012	21,362	9,58,064 145,505 85,78,021
April to June, 1934	22,665	10,60,334	62,834	35,02,105	33,991	15,11,358 216,858 1,18,81,413
July to September, 1934	20,326	9,96,595	50,762	31,34,104	6,687	2,93,955 127,483 80,82,457
October to December, 1934	50,846	26,71,444	99,932	67,91,625	14,637	8,83,070 124,964 93,41,203

Statement I showing the Index Numbers of wholesale prices in Calcutta (Prices in July 1914=100) for certain groups of articles.

Number of items included	Cereals.	Pulses.	Tea.	Oil-seeds.	Jute, raw.	Cotton, raw.	Ex-ported articles, largely manu-factured materials.	Im-ported articles, mainly raw.
	8	6	3	3	3	2		
1914, End of July	100	100	100	100	100	100	100	100
1919, Annual Average	161	180	105	198	115	230	169	226
1920, Annual Average	153	166	78	173	104	152	145	268
1928, Annual Average	133	157	154	142	100	167	140	147
1929, Annual Average	125	152	140	155	95	146	132	148
1930, Annual Average	100	119	114	127	63	91	101	135
1931, Annual Average	78	89	86	82	49	83	78	124
1932, Annual Average	68	92	61	76	45	92	72	119
1933, Annual Average	66	84	95	73	41	80	71	112
1934, Annual Average	69	84	131	92	39	73	75	112

Percentage increase (+) or decrease (—), as compared with 1919.

1920	—5.0	—7.8	—25.7	—12.6	—9.6	—33.9	—14.2	+18.6
1928	—17.4	—12.8	+46.7	—28.3	—13.0	—27.4	—17.2	—35.0
1929	—22.4	—15.6	+33.3	—21.7	—17.4	—36.1	—21.9	—34.5
1930	—37.9	—33.9	+8.6	—35.9	—45.2	—60.4	—40.2	—40.3
1931	—51.6	—50.6	—18.1	—58.6	—57.4	—63.9	—53.8	—45.1
1932	—57.8	—48.9	—41.9	—61.6	—60.9	—60.0	—57.4	—47.3
1933	—59.0	—53.3	—9.5	—63.1	—64.3	—65.2	—58.0	—50.4
1934	—57.1	—53.3	+24.8	—53.5	—66.9	—68.3	—55.6	—50.4

Statement II showing the index numbers of prices of agricultural products in certain principal countries of the world, 1928—34

Country:	United States of America.	France.	Canada.	Argentina.	Australia (Melbourne.)	England and Wales.
Source.	Total Agricultural products.	Farm and food products.	Total Canadian Farm products.	Total Agricultural products.	Agricultural produce, etc.	Agricultural products.
Base	100	100	100	100	100	100
1913	71.5	100	62.6	108.5	109.7	219*
1919	157.6	584	145.5	102.6	198.5	147
1928	105.9	579	100.7	102.6	172.6	144
1929	104.9	526	100.8	85.9	179.2	134
1930	117	542	82.3	63.8	148.4	120
1931	80	482	56.3	59.1	112.1	112
1932	57	420	48.3	56.9	123.0	107
1933	63	393(August)	51.0	72.9	117.5	119
October, 1934	100		60.9		127.4(June 1934).	
Percentage rise (+) or decline (—) in October, 1934 as compared with 1913	..	+293 (in August, 1934).	—2.7	..	+16.1 (June, 1934).	..
Percentage rise (+) or decline (—) in October, 1934 as compared with 1919	..	—55.2	—58.1	..	—35.8 (June, 1934).	—45.7†

* Figure for 1921.

† Percentage fall in October, 1934 as compared with 1921.

Statement III showing the index numbers of manufactured goods in certain principal countries of the World (1928—34).

Country.	United States of America.	France.	Canada.	England.
	Finished Products.	Industrial Products.	Fully and Chiefly manufactured goods.	Industrial Products.
Source :	Bureau of Labour Statistics.	Statistique generale de la France.	Dominion Bureau of Statistics.	Federal Reserve Board Bulletin (U. S. A.)
Base	1926=100	1913=100	1926=100	1913=100
1913	69.4	100	64.8	100
1919	130.6	..	132.5	..
1928	95.9	697	95.0	134
1929	96	669	93.0	132
1930	88	570	87.3	116
1931	75	464	74.8	100
1932	70	380	69.8	97
1933	74.8	380	72.0	99
	(December).		(December).	
1934	80.1	351	73.6	103
	(September).	(August).	(August).	(August).
Percentage fluctuation in 1934 in comparison with—				
1913.	+15.4	+251	+13.6	+3
	(September).	(August).	(August).	(August).
1919.	-38.7	..	-44.5	..
	(September).		(August).	

Dr. Ziauddin Ahmad: Is it not a fact that the prices of agricultural products have fallen during the last 12 months?

The Honourable Sir Joseph Bhore: I think that is so, generally speaking from recollection.

Dr. Ziauddin Ahmad: May I ask if that is not a direct result of the policy of the Government in raising the price level of manufactured articles?

(No reply).

RECOMMENDATIONS OF THE CROP PLANNING CONFERENCE.

48. ***Prof. N. G. Ranga:** Will the Honourable the Commerce Member be pleased to state what steps the Government of India have taken, or propose to take, to give effect to the recommendations of the Crop Planning Conference?

Mr. G. S. Bajpai: A statement is laid on the table.

Statement regarding the action taken on the Recommendations of the Crop Planning Conference, 1934.

Recommendation.	Action taken.
That the present world conditions in the matter of rice production be borne in mind by provincial Governments which may be contemplating an increase in the present area under rice.	This concerns local Governments to whom copies of the proceedings of the Conference have been forwarded.
As a general proposition the Conference endorsed the recommendation of the Sub-Committee of the Advisory Board of the Imperial Council of Agricultural Research that the development of internal markets, which was of great importance, could best be pursued by means of the marketing scheme now under the separate consideration of the Council.	This recommendation will receive the attention of the Central Marketing Staff.
That a Standing Committee on Rice should be constituted and financed by the Imperial Council of Agricultural Research. This Standing Committee should concern itself with all matters relating to the production, marketing and general improvement of the crop.	A proposal for the appointment of two Standing Committees—one on Wheat and the other on Rice, was placed before the Advisory Board of the Council at its meeting held in September 1934. The recommendations of the Board were accepted by the Governing Body of the Council at its meetings held on the 21st and 22nd January 1935. The Committees will therefore be formed shortly.
The Conference accepted the recommendation of the Sub-Committee that a Standing Committee on Wheat of the Advisory Board of the Imperial Council of Agricultural Research should be created on the same terms as those suggested for the Standing Committee on Rice.	
That the Government of India should consider whether an import duty at the rate of Rs. 1-4-0 per maund of rice and 15 annas per maund of paddy be imposed on imports of rice and paddy from non-Empire countries.	The matter is under consideration.
That it was wrong in principle to suggest any restriction on inter-provincial trade within India.	No action is called for.

That the Government of India should consider the question of opening negotiations with Ceylon and British Malaya with a view to obtain preference for Indian rice; and that the Government of India should consider whether the specific duty imposed by the Ottawa Agreement on imports of rice from foreign countries to the United Kingdom should be extended to paddy to the extent of three farthings per lb.

Representations have already been made to the proper authorities through the Secretary of State for India in respect of preference for Indian rice in British Malaya and on paddy in the United Kingdom.

Recommendation.

Action taken.

The Conference noted the undertaking given by the representative of the Railway Board to the Sub-Committee that where special rates were required to facilitate particular movements of special crops, the question would always receive sympathetic consideration; and that the Railway Board would consult Agricultural Officers and the new Marketing staff in connection with such proposals. It was made clear that where two or more provinces were concerned, they would all be consulted.

The present world condition in the matter of wheat production and the fact that the Wheat Import Duty Act is an annual measure (not permanent) are two facts which should be borne in mind by provincial Governments which contemplate schemes involving expansion of the wheat area.

As regards internal markets, the Conference felt that their development could best be pursued through the marketing scheme now under the consideration of the Imperial Council of Agricultural Research.

The Conference decided that while the Central Provinces could go forward with their programme, the question of an extension of the area under groundnut in India as a whole should be considered by the Oil Seeds Committee of the Imperial Council of Agricultural Research.

The advice which the Conference received was that there was room for the development of the castor crop rather than for its restriction. The Conference felt, however, that the material available was as yet insufficient for it to give a lead and as in the case of groundnuts, came to the conclusion that the question should be examined by the Oil Seeds Committee of the Imperial Council of Agricultural Research.

The Central Provinces, the United Provinces, Bihar and Orissa and Bengal are, in the order mentioned, the principal growers of linseed and they are making definite efforts to increase their production. On the facts stated above the Conference came to the conclusion that each of these provinces could safely increase its acreage under linseed by 50 per cent.

The question of external and internal markets for rape, mustard and sesamum had not so far been examined in detail and though the sub-committee had recommended that there was room for cautious expansion, the Conference came to the conclusion that the Oil Seeds Committee of the Imperial Council of Agricultural Research should examine the question before a definite lead to the cultivator could be given.

The Agents of Railways were asked to take necessary steps in the matter in consultation with Provincial Directors of Agriculture and Marketing Officers and local Governments were requested to instruct Provincial Officers to get into touch with the Railways concerned.

This concerns local Governments to whom copies of the proceedings have been supplied.

Attention is invited to Government of India (Imperial Council of Agricultural Research, Department) Resolution of January 10th, 1935, which was published in the Gazette of India dated the 12th January, 1935.

These recommendations will be placed before the next meeting of the Oil Seeds Committee of the Imperial Council of Agricultural Research.

Copies of the proceedings of the Conference have been forwarded to the local Governments.

This will be placed before the next meeting of the Oil Seeds Committee of the Imperial Council of Agricultural Research.

Recommendations.

Action taken.

The Conference came to the conclusion that in regard to the sugarcane crop, as in regard to cotton, the question of the advisability or otherwise of further extension should be left to the Committee already constituted.

The conclusion reached was that there was ample scope for an extension of area under tobacco, provided that it was of the right type; but that it was unlikely that the extension of area could within any foreseeable future be so great as to make any appreciable difference in the relative importance of crops in India. For those who were prepared and were able to develop the light bright type of tobacco there was economic advantage in an extension of area and progress was being made in this direction. The Conference noted that questions relating to this crop would shortly be considered by a Tobacco Committee of the Imperial Council of Agricultural Research.

The Conference recommends that the question of a protective duty on all imports of dairy products should be examined by the Tariff Board.

The Conference endorsed the opinion of the Sub-Committee of the Advisory Board of the Imperial Council of Agricultural Research that statistics in respect of Cereals other than rice and wheat, specially barley, jowar, Bajra, Maize and gram (including pulses) were extremely insufficient and that the possibility of including the crops mentioned under this head in the All India Forecasts should be examined.

In this connection might also perhaps be noted the following recommendations to improve agricultural statistics in India which the Director General of Commercial Intelligence and Statistics promised to consider:—

- (i) that in the monthly rail-borne trade returns figures should be given by trade blocks instead of by provinces only; also that the value of commodities should be given if practicable; and
- (ii) that the railway freights for agricultural commodities from and to representative centres should be published in the weekly Indian Trade Journal.

This subject will be placed before the Sugar Committee of the Council for discussion at its next meeting.

An *ad hoc* Committee of experts (officials and non-officials interested in the crop) met in September 1934. A copy of this Committee's report and of a statement showing the recommendations of the Advisory Board on the report and the action taken thereon, have been placed in the library of the House. The Governing Body of the Council at its meeting held in January 1935 accepted these recommendations.

On the recommendation of the Standing Dairying Committee of the Imperial Council of Agricultural Research a statement of the case for a protective duty on imported butter is being prepared. The question of the protective duty on other dairy products will also be considered in the same connection.

These recommendations are under examination.

RECOMMENDATIONS OF THE TAXATION ENQUIRY COMMITTEE.

49. *Prof. N. G. Ranga: Will Government be pleased to state the steps so far taken by them to implement the recommendations of the Taxation Enquiry Committee of 1926 and the effect, actual or estimated, in terms of money which has been produced by such steps upon the burden of direct and indirect taxes?

The Honourable Sir James Grigg: The recommendations of the Indian Taxation Enquiry Committee related not only to central taxation but also to Provincial and local taxation, which are of course, primarily the concern of the Provincial Governments and local authorities. So far as they were concerned with the distribution of the different sources of revenue between Central and Provincial, their recommendations have since been superseded by those of the Joint Select Committee of Parliament. Several of the Committee's recommendations with regard to central taxation have, however, been accepted by the Government of India and effect has been given to them by the Legislature from time to time. I may mention the abolition of the export duty on tea and on hides, the abolition of the cotton excise duty, the imposition of income-tax on the income derived by tea planters from manufacture, the re-grading of the income-tax, and the lowering of the limit for super-tax to Rs. 30,000. It is not possible to give an estimate in terms of money of the effect produced on the payers of direct and indirect taxes by the acceptance of the recommendations of the Committee.

Prof. N. G. Ranga: What action has been taken so far by the Government of India on the recommendation of the Taxation Enquiry Committee that the income from agricultural sources should be taxed as an income-tax?

The Honourable Sir James Grigg: Under the Government of India Bill, taxation on agricultural income is a provincial subject, so that the whole situation in that matter will be changed.

Prof. N. G. Ranga: Is the Honourable Member aware that the Statutory Commission also recommended that taxes should be raised on such incomes?

The Honourable Sir James Grigg: As I said in my original answer, a good many of the recommendations have been superseded by the Joint Parliamentary Committee Report, and, as regards agricultural income, that is, under the Government of India Bill, a provincial subject.

Prof. N. G. Ranga: How do the Government explain their failure to raise this tax even though this recommendation was made so long ago as 1926?

The Honourable Sir James Grigg: I have enough to do to defend my own shortcomings without working to defend those of anybody else.

INCOME-TAX REALISED ON INCOMES BETWEEN RS. 1,000 AND RS. 2,000.

50. *Prof. N. G. Ranga: Will Government be pleased to state the annual revenues by provinces received by the Government of India by income-tax raised upon incomes of Rs. 1,000 and above up to Rs. 2,000 ever since that rate has been imposed?

Mr. A. J. Raisman: A statement is laid on the

Statement showing collection of income-tax in the various provinces from incomes between Rs. 1,000 and Rs. 2,000 during the years 1931-32 to 1933-34.

Provinces.	1931-32.	1932-33.	1933-34.
	Rs.	Rs.	Rs.
1. Madras	1,91,068	9,06,286	11,10,62
2. Bombay	5,08,629	18,62,559	18,14,388
3. Bengal	3,33,126	10,72,678	9,51,690
4. United Provinces	1,63,783	6,32,636	6,48,515
5. Punjab	1,49,042	7,22,184	10,23,325
6. Burma	1,36,900	4,55,423	6,30,955
7. Bihar and Orissa	1,08,245	3,74,324	3,35,946
8. Central Provinces	72,865	4,25,041	4,28,692
9. Assam	17,376	1,22,793	98,361
10. N.-W. F. Province	18,686	80,136	67,928
11. Delhi	19,566	42,060	1,75,334
Central Departments, e.g., Military, Railway, Posts and Telegraphs and Minor Administrations.	1,15,640	2,76,928	9,75,336
	17,34,926	69,73,048	82,61,097

Mr. Lalchand Navalrai: May I know from the Honourable Member what are the expenses for the collection of this lower rate of income-tax? Is that information also contained in that statement?

Mr. A. J. Raisman: That information has not been asked for in the question. If the Honourable Member wants that information, I should be glad if he would put down a question on the paper.

Prof. N. G. Ranga: What is the number of people who have been assessed under this head?

Mr. A. J. Raisman: That also is not in the statement. It has not been asked for.

Prof. N. G. Ranga: Did the Government think it worth while to raise this income-tax on such a large number of people only to collect such a small sum?

Mr. A. J. Raisman: The amount involved in this tax is certainly very appreciable.

INVESTIGATIONS MADE INTO THE COSTS OF CULTIVATION OF CROPS.

51. ***Prof. N. G. Ranga:** Will the Honourable the Commerce Member be pleased to state in what parts of the country, for what crops and at what cost per each centre were investigations made by the Imperial Council of Agricultural Research into the costs of cultivation, and also to place on the table of this House the results of such investigations made by the Imperial Council of Agricultural Research?

Mr. G. S. Bajpai: A statement is laid on the table. The enquiry which is financed jointly by the Imperial Council of Agricultural Research and the Indian Central Cotton Committee is spread over a period of three years. Its results are not yet available.

Statement regarding investigation made by Imperial Council of Agricultural Research into the costs of cultivation of crops.

Where investigations are conducted.		Crops included in the enquiry.	Estimated cost per Province or State.	
Province or State.	District or tracts.		For one year.	For 3½ years.
			Rs.	Rs.
I. Punjab	1. Jullundur 2. Lyallpur. 3. Gurdaspur.	The primary object is to find out the cost of cultivation of sugarcane and cotton in the important sugarcane and cotton growing tracts, and the districts included in the enquiry were selected accordingly. As the crops grown in the selected holdings could not be neglected it was found desirable to include all crops in the investigation.	19,260	67,410
II. United Provinces	1. Meerut Tract 2. Rohilkhand. 3. Gorakhpur.		14,940	52,290
III. Madras	1. Vizagapatam 2. Coimbatore. 3. Bellary.		14,940	52,290
IV. Bombay (Pro- per).	1. Jalgaon 2. Dharwar. 3. Surat. 4. Poona.		20,460	71,610
V. Central Provinces and Berar.	1. Nagpur Wardha Tract 2. Berar (a) Plains 3. Berar (b) Ghat.		14,940	52,290
VI. Bengal	1. Bogra 2. Birbhum.		6,740	23,590
VII. Bihar and Orissa	1. South-Bihar Range— Patna. 2. North Bihar Range— Muzaffarpur.		10,610	37,135
VIII. Sind	Hyderabad		4,580	16,030
IX. Hyderabad State	Nanded		4,580	16,030
X. Mysore State	Scattered in different parts of the State.		4,580	16,030
XI. Baroda State	Baroda		4,580	16,030

Prof. N. G. Ranga: When the results are available, will they be placed on the table of the House?

Mr. G. S. Bajpai: Certainly, I will have a copy placed in the Library of the House.

EXPENDITURE ON THE MAINTENANCE OF THE INDIAN CENTRAL COTTON COMMITTEE AND ITS STAFF.

52. ***Prof. N. G. Ranga:** (a) Will the Honourable the Commerce Member be pleased to state:

(i) the annual and total cost incurred by the Government of India directly or through the Imperial Council of Agricultural Research for maintaining the Indian Central Cotton Committee and its staff;

(ii) the nature of the work being carried on by the committee;

(iii) the nature of the relations between that Committee and the various provincial departments of agriculture; and

(iv) the measures so far taken by Provincial and Central Governments to implement the results of the investigations carried on by the said Committee?

(b) Will Government please state if they have directly or through the Indian Cotton Committee, tried to utilise, by offering to bear the expenses in full or in part, the local associations of peasants to popularise the improved methods of cotton culture, cleaning, grading and marketing of cotton, and if so, what associations have thus been utilised and by making what grants, and if not, do Government propose to utilise these local peasant associations for the said purposes?

Mr. G. S. Bajpai: (a) (i) Neither the Government of India nor the Imperial Council of Agricultural Research contribute towards the maintenance of the Indian Central Cotton Committee which derives its funds from a cess imposed under the Indian Cotton Cess Act, 1923.

(ii), (iii) and (iv). The attention of the Honourable Member is invited to the Annual Reports of the Indian Central Cotton Committee, copies of which are available in the Library of the House.

(b) Popularisation of improved methods of cotton culture, cleaning, grading and marketing is primarily a matter for arrangement between the Committee and the Local Governments. The Government of India are informed that the Indian Central Cotton Committee promotes the extension and marketing of improved varieties of cotton by providing grants to Agricultural Departments and Co-operative Cotton Sale Societies. For example, the Committee has provided a trained officer to act as grader, adviser and business manager to a group of co-operative societies in Coimbatore district, which grow improved types of Cambodia cotton.

Prof. N. G. Ranga: Is the Honourable Member aware that no cotton sale society has so far been organised anywhere in Madras for the better marketing of cotton?

Mr. G. S. Bajpai: My information, which I have given to the House, is that a trained officer has been provided by the Committee to act as grader, adviser and business manager to a group of co-operative societies in Coimbatore district, which, as the Honourable Member knows, is in the Madras Presidency.

Prof. N. G. Ranga: How long ago has this officer been provided?

Mr. G. S. Bajpai: About a year ago.

LEGISLATION TO RELIEVE THE BURDEN OF RURAL INDEBTEDNESS.

53. ***Prof. N. G. Ranga:** (a) In view of the Government of India's assurance that the Provincial Governments will be urged to introduce the necessary legislation to relieve the burden of rural indebtedness, will Government be pleased to place on the table of this House a statement showing what has so far been done by Provincial Governments, and the Acts passed and the Bills introduced by various Provincial Legislative Councils by the end of 1934?

(b) Will Government be pleased to state if they propose to introduce in the near future any comprehensive Bill to relieve the burden of agricultural indebtedness? If not, why not?

The Honourable Sir Nripendra Sircar: (a) A statement showing the Acts passed and Bills introduced in the various provinces is laid on the table. The Honourable Member is mistaken in supposing that the Government of India have given an assurance in the sense indicated in the question. Any such assurance would be incompatible with the relevant conclusions reached at the Provincial Economic Conference and set out in paragraph 5 of the Finance Department Resolution No. F-16 (1) (F-34), dated the 5th May, 1934.

(b) For reasons which will be apparent to the Honourable Member from a perusal of the paragraph of the Resolution referred to in my previous reply the answer is in the negative.

Statement showing Acts and Bills relating to Rural Indebtedness passed by and introduced in the various Provincial Legislatures, up to the end of December, 1934.

Acts Passed.

The Madras Co-operative Land Mortgage Banks Act, 1934.
The Bengal Money Lenders Act, 1933.
The Agriculturists Loans United Provinces (Amendment) Act, 1934.
The Assam Money Lenders Act, 1934.
The Central Provinces Debt Conciliation Act, 1933.
The Central Provinces Debt Conciliation (Amendment) Act, 1934.
The Usurious Loans (Central Provinces Amendment) Act, 1934.
The Central Provinces Money Lenders Act, 1934.

Bills Introduced (including Bills passed and awaiting assent on 31st December, 1934.)

The Madras Money Lenders Bill.
The Madras Debt Conciliation Bill.
The Bombay Money Lenders Bill.
The Bengal Tenants Protection from Usury Bill.
The United Provinces Reduction of Interest Bill.
The United Provinces Encumbered Estates Bill.
The Usurious Loans (United Provinces Amendment) Bill.
The United Provinces Regulation of Sales Bill.
The United Provinces Temporary Regulation of Execution Bill.
The Punjab Relief of Indebtedness Bill.
The Central Provinces Money Lenders Bill.
The Usurious Loans (Central Provinces Amendment) Bill.
The Central Provinces Reduction of Interest Bill.
The Central Provinces Debtors' Relief Bill.
The Usurious Loans (N. W. F. P. Amendment) Bill.

Prof. N. G. Ranga: Is the Honourable Member aware that His Excellency the Viceroy, while addressing this House, the other day, gave an assurance that the Government of India will do all they can to relieve the burden of agricultural indebtedness?

The Honourable Sir Nripendra Sircar: If the Honourable Member will give me reference to the words of this assurance, I can look into the matter. I have already given in my reply that the Honourable Member is mistaken in supposing that the Government of India have given an assurance in the sense indicated in the question.

Prof. N. G. Ranga: Does the Honourable Member deny that such an assurance was given?

Mr. President (The Honourable Sir Abdur Rahim): That is arguing.

TRADE COMMISSIONERS EMPLOYED BY THE GOVERNMENT OF INDIA.

54. ***Prof. N. G. Ranga:** (a) Will the Honourable the Commerce Member be pleased to state how many Trade Commissioners are today employed by the Government of India and in what countries?

(b) For how long and at what annual cost have they been employed?

(c) What are their functions?

(d) Are they expected to make periodical reports about the prospects open in the respective countries allotted to them, for the development of demand for Indian agricultural produce, trade and industry? If so, do Government propose to see that such information from their reports as is found to be useful and relevant to Indian peasants, is published periodically in all Indian vernacular papers?

The Honourable Sir Joseph Bore: (a) There are three Indian Trade Commissioners at present, one each in England, Germany and Italy.

(b) The Indian Trade Commissioner, London, has been employed from October, 1917, the Indian Trade Commissioner, Hamburg, from March, 1931 and the Indian Trade Commissioner, Milan, from the 1st February last. The total expenditure on the offices of Indian Trade Commissioners in London and Hamburg is approximately £19,000 for the year 1934-35 and the budget estimate for 1935-36 including the expenditure on the Milan office is £25,125

(c) A statement giving the principal duties of Indian Trade Commissioners is laid on the table.

(d) The reply to the first part is in the affirmative. As regards the second part, Government have no reason to suppose that the Reports in question are not receiving sufficient publicity. I may add that the annual reports received from the Indian Trade Commissioners are supplied to recognised Chambers of Commerce, leading newspapers including some vernacular papers and also the Press Correspondents at the headquarters of the Government of India. The Indian Trade Commissioners also submit quarterly reports which are published in the *Indian Trade Journal*.

Statement showing the principal duties of the Indian Trade Commissioners.

The principal duties of the Indian Trade Commissioners are :—

- (a) to answer trade enquiries which are directed to the development of markets for Indian goods in the area for which he is responsible;
- (b) to compile an index of firms of good standing in his area dealing in goods such as India produces or is capable of producing for export;
- (c) to furnish commercial information directed to the development of Indian export trade required by Departments of the Government of India or by Local Governments, by Indian States, by the High Commissioner for India or by the Director General of Commercial Intelligence and Statistics.
- (d) to report spontaneously to the Director General of Commercial Intelligence and Statistics any local developments, official or unofficial, likely to affect Indian trade;
- (e) to visit local firms and represent to them the means of securing Indian goods suitable to their requirements;
- (f) to test the local markets for Indian goods by means of trial consignments if so desired;
- (g) to assist, by means of letters of introduction and advice, visitors to his area engaged in the development of the Indian export trade;
- (h) to take such steps as are possible to settle trade disputes arising in his area involving claims by merchants in India;
- (i) to maintain a library of Indian trade publications available for consultation by interested local enquirers;
- (j) to organise exhibits of Indian goods at local exhibitions or fairs on lines approved, and within the scope of funds allotted for the purpose, by the High Commissioner or by the Director General of Commercial Intelligence and Statistics, as the case may be; and
- (k) to represent the possibilities of Indian trade by means of lectures, the display of films and other suitable methods.

Mr. Lalchand Navalkar: May I know from the Honourable Member if the reports are placed in the Library?

The Honourable Sir Joseph Bhoré: I am almost certain they are

Mr. H. P. Mody: Will the Honourable Member consider the advisability of appointing a Trade Commissioner for the African market the necessity of which has been stressed so repeatedly here as well as elsewhere?

The Honourable Sir Joseph Bhoré: It is a question of funds. I do not think that particular office is under contemplation at the present moment.

Mr. N. M. Joshi: May I ask if the copies of the reports will be supplied to Honourable Members of this House?

The Honourable Sir Joseph Bhoré: I shall consider that suggestion.

Mr. B. Das: Will the Honourable Member tell us which are the places under contemplation of the Government for appointment of new Trade Commissioners?

The Honourable Sir Joseph Bhoré: We have not yet gone into the matter. We shall probably consult commercial opinion before we come to any final conclusion.

Mr. H. P. Mody: Do Government not consider that the time has arrived for implementing their promise that, as soon as financial conditions improved, they would take into consideration the desirability of making an appointment for the African markets? Will they not make a provision in the next Budget?

The Honourable Sir Joseph Bhoré: I am not aware, Sir, that we are definitely bound to appoint a Trade Commissioner for the African market. I am not aware that we have given any specific guarantee on that point; but the question certainly will be considered as soon as funds are available.

Mr. B. Das: Did not the Honourable Member give an assurance in the last Session of the Assembly that Government were considering the appointment of new Trade Commissioners?

The Honourable Sir Joseph Bhoré: Yes, Sir. The Milan office has been opened.

Prof. N. G. Ranga: Have Government considered the question of appointing a Trade Commissioner in the United States of America?

The Honourable Sir Joseph Bhoré: I have no doubt that question also will be considered when we come to some conclusion as to the opening of new Trade Commissioners' offices in different parts of the world.

Prof. N. G. Ranga: Has the Honourable Member realised that there is considerable difference in the manner in which the British Trade Commissioner in this country reports to that Government about the trade prospects for British imports into this country and our Trade Commissioner in London reports to our Government?

The Honourable Sir Joseph Bhore: No, Sir; I am not aware of that, but if my Honourable friend can make any suggestions as to the improvement of the reports, we shall be only too glad to consider such suggestions.

Prof. N. G. Ranga: Will the Honourable Member consider the suggestion that our Trade Commissioner in England should try to report to our Government about our trade prospects in the same manner in which Mr. Ainscough has been reporting to the British Government about their prospects in this country?

The Honourable Sir Joseph Bhore: I do not admit that his reports are in any way or in any sense less useful than those of the British Trade Commissioner in India.

CONGESTION IN THIRD CLASS RAILWAY CARRIAGES.

55. ***Prof. N. G. Ranga:** (a) Will the Honourable the Commerce Member be pleased to state what steps have been taken by the authorities concerned during the last four years to relieve the congestion in third class carriages of our railways?

(b) What steps in future are proposed to be taken to relieve that congestion and on what railways?

(c) Will the Honourable the Commerce Member be pleased to state whether third class railway passengers have still the right to draw the attention of railway authorities to the congestion in third class railway carriages whenever more passengers than the prescribed number are found in a carriage?

Mr. P. R. Rau: (a) and (b). From censuses of passenger trains that are taken periodically by Railways, it does not appear that there is at present any general over-crowding in third class carriages necessitating the adoption of special measures. I am placing on the table a statement showing the position on the 31st March in each of the last four years in regard to the number of third class seats provided and the number of third class passengers carried during each of these years. It will be seen therefrom that while there has been a decrease of 14 per cent. in the number of passengers carried in 1933-34 as compared with 1930-31 the number of third class seats is practically the same.

(c) The right to draw the attention of the railway authorities to overcrowding has never been questioned.

Statement.

Year.	Third class seats on 31st March.	Number of third class passengers carried.
1930-31	1,152,117	550,878,700
1931-32	1,159,491	487,036,900
1932-33	1,147,631	485,316,900
1933-34	1,143,695	473,585,000

Lieut.-Colonel Sir Henry Gidney: Disagreeing as I often do with the Honourable Member, will he inform this House whether it is the intention of the Government of India to abolish second or intermediate class carriages and thus afford increased accommodation to third class passengers?

Mr. P. R. Rau: I am not sure if my Honourable friend is suggesting a reduction in the number of classes on Indian railways. If so, that question is under consideration.

Lieut.-Colonel Sir Henry Gidney: That does not answer my question and is quite hypothetical. Will the Honourable Member give a reply to my question?

Dr. Ziauddin Ahmad: In making his calculations that there is no congestion, did the Honourable Member take into consideration all those branch lines which are run practically empty? The complaint of congestion is only on the main lines, and specially on the fast trains?

Mr. P. R. Rau: I have taken all the railways into consideration and the figures that I have collected refer to all railways.

Mr. F. E. James: Does the Honourable Member suggest that there is no overcrowding? I can understand that taking the average of all lines, and, in regard to particular trains, the average seating may be reasonable. But is the Honourable Member not aware that on many of the main trains in the country there is still the greatest possible overcrowding of passengers?

Mr. P. R. Rau: I am not suggesting that there is no overcrowding at any time and in any railway. There is possibly some overcrowding at some times and on some railways. What I claim here is that the position has improved in the course of the last four years.

Dr. T. S. S. Rajan: Does this average of the ratio of the number of seats to the number of passengers travelling on the trains exclude the possibility of overcrowding at any time?

Mr. P. R. Rau: Not at all; I never claimed that. I only claim that the position in regard to overcrowding has improved in the last four years.

Dr. T. S. S. Rajan: Will any further provision with regard to overcrowding be made by Government in view of the questions raised here?

Mr. P. R. Rau: If my Honourable friend will peruse the administration reports of past years he will find that, when the railways could afford to spend money on the provision of amenities for third class passengers, they were always ready to do it to the extent that they were able to do so.

POSTCARDS USED BY THE PUBLIC PER ANNUM.

56. *Prof. N. G. Ranga: Will the Honourable the Commerce Member be pleased to state:

- (i) the average number of postcards used by the public per annum when their price was only one quarter anna each;
- (ii) the average revenue derived by Government;
- (iii) the number of postcards utilised per annum by the public and the annual revenue derived by Government when the price was only half anna each; and
- (iv) the number of postcards utilised per annum by the public and the annual revenue derived by Government when their price is three quarters of an anna each?

The Honourable Sir Frank Noyce: No separate account is maintained of the actual number of inland postcards used by the public in any one year or of the revenue derived from them. It is impossible, therefore, to give the Honourable Member information which can be vouched for as correct. I can only give him information based on estimates of the number of inland postcards, including those of private manufacture, received for delivery, and the figures I now proceed to give must be taken as subject to this very important qualification:

- (1) The $\frac{1}{4}$ anna postcard rate was in existence from the year 1879 to the year 1922; it is obviously not possible to ascertain the average number of postcards used by the public per annum during this lengthy period. During the last ten years of it, those from 1912-1913 to 1921-1922, the average number of postcards received for delivery was 528½ millions.
- (2) The average revenue derived during the above period would be Rs. 82½ lakhs.
- (3) The average annual number of postcards, received for delivery, during the period the postcard rate was $\frac{1}{2}$ anna was 555½ millions and the average revenue, Rs. 173½ lakhs.
- (4) The average annual number of postcards, received for delivery, from the date the postcard rate was fixed at $\frac{3}{4}$ anna to the end of the financial year 1933-34 is 441½ millions with an estimated average annual revenue of Rs. 207 lakhs.

Prof. N. G. Ranga: Does the Honourable Member realize that the income is going down as well as the number of postcards used since the price was raised to $\frac{3}{4}$ anna?

The Honourable Sir Frank Noyce: No, Sir; I am afraid my Honourable friend could not have correctly heard the figures that I gave. The average revenue derived during the period when the $\frac{1}{4}$ anna postcard was in force was Rs. 82½ lakhs. The average revenue derived during the period the rate was half an anna was Rs. 173½ lakhs. And the average revenue derived during the $\frac{3}{4}$ anna rate period was Rs. 207 lakhs. My Honourable friend will, therefore, see that although the number of postcards has gone down, the revenue from them has considerably increased.

Prof. N. G. Ranga: Does not that show that the law of diminishing returns has begun to operate ever since the price was raised from $\frac{1}{4}$ anna to $\frac{3}{4}$ anna? I will make myself clearer and say that when the price was $\frac{1}{4}$ anna, the income was 173½ lakhs, and when it was raised to $\frac{3}{4}$ anna, it came to be only 207 lakhs instead of 250 lakhs as it ought to have been.....

Mr. President (The Honourable Sir Abdur Rahim): That is a matter for argument.

EXPERIMENTS INTO THE DEVELOPMENT OF TOBACCO CULTURE.

57. *Prof. N. G. Ranga: (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that the establishment of an experimental station to improve the culture of tobacco is contemplated? If so, is it in the Madras Presidency, and if so, will not such an experimental station be placed directly under the control and supervision of the Department of Agriculture of the Government of Madras?

(b) Have the Government of India been approached by the Indian Leaf Tobacco Development Company, Limited, for permission to carry on the desired experiments into the development of tobacco culture on behalf of Government? If so, have the Government of Madras been consulted regarding this proposal, and if so, what is the attitude of that Government?

(c) Have Government so far considered the possibility and advisability of proposing to the Government of Madras that they should establish their own experimental station for this purpose? If not, is the Honourable the Commerce Member prepared to consider such a proposition?

Mr. G. S. Bajpai: (a) A draft scheme is under examination by the Imperial Council of Agricultural Research which will consider what suitable arrangements can be made for supervision and control.

(b) The answer to the first part is in the negative. The second part does not arise.

(c) The Madras Agricultural Department are already alive to the need for experimental work in tobacco. The scheme referred to in the answer to part (a) is not in substitution of provincial work on tobacco but forms part of a co-operative scheme of experiments in which a number of provinces will participate.

Prof. N. G. Ranga: Do Government propose to open an experimental farm somewhere in the Madras Presidency?

Mr. G. S. Bajpai: I gather that proposals for the establishment of a sub-station at Guntur, where cigarette tobacco is grown, is under consideration of the Imperial Council of Agricultural Research.

UNEMPLOYMENT PROBLEM IN INDIA.

58. *Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) Are Government aware that unemployment among the masses is creating great uneasiness throughout the country?

(b) If so will Government please state whether any steps have been or are being contemplated by them to remove this complaint?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the reply given to parts (a) and (b) of Mr. Rameshwar Prasad Bagla's question No. 775 in the Legislative Assembly on the 26th September, 1932, and to the discussions in this House on the 30th January, and 6th February, 1934, on Mr. N. M. Joshi's Resolution on this subject.

Mr. Lalchand Navalrai: Will the Honourable Member refresh our memory on that answer? It was given a long time past.

The Honourable Sir Frank Noyce: I would invite my Honourable friend to study the very lengthy and exhaustive debate on this question in the House a year ago. He can hardly expect me in the course of a reply to a question to bring the facts and figures and other statements made in the course of that debate up to date.

Mr. Lalchand Navalrai: Has any further step been taken since then?

The Honourable Sir Frank Noyce: If my Honourable friend will study the debate, he will see the lines on which Government are acting and on which they have since then continued to act.

Mr. V. V. Giri: May I ask the Government to supply information and statistics relating to unemployment in India?

The Honourable Sir Frank Noyce: I regret that I am unable to furnish my Honourable friend the information for which he asks: he probably knows as well as I do that there are no unemployment statistics.

Mr. V. V. Giri: Are Government aware that Sir M. Visweshwarayya has published a book in which he stated that there are 40 million unemployed in this country?

The Honourable Sir Frank Noyce: No: I cannot say that I have seen the statement to which my Honourable friend refers.

Mr. S. Satyamurti: May I know if Government have taken or propose to take any steps to relieve unemployment in this country?

The Honourable Sir Frank Noyce: I can only refer my Honourable friend once more to the debate last year, and he will see what Government have done and what Government are doing.

RE-EMPLOYMENT OF RETRENCHED STAFF OF STATE RAILWAYS.

59. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Will Government please state how many employees, Muslims and non-Muslims (separately), were retrenched in the Railway Department of the Indian State Railways during the past five years from among the menials, superior staff and officers, respectively and how many of them have so far been re-employed?

(b) How many new recruits (Muslims and non-Muslims, separately) were engaged during the above period and what were the circumstances which led to this new recruitment in the face of the surplus retrenched hands waiting on the list?

Mr. P. R. Rau: (a) and (b). The information in the possession of Government is contained in a statement laid on the table of the other House on the 20th February, 1933, and contained in pages 73 and 74 of Volume I of the Council of State Debates, 1933. Government regret they are unable to collect the further detailed information required as it will entail expenditure of time and labour hardly commensurate with its value.

CONTEMPLATED APPOINTMENT OF A DEPUTY GOVERNOR FOR SIND.

60. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Honourable the Home Member be pleased to state:

(a) whether Government contemplate appointing a Deputy Governor for Sind, in pursuance of the recommendation made by the Sind Administration Committee, pending the inauguration of the ensuing reforms; if so, when and whom;

(b) what would be the constitution of the Sind Government in the event of her administration being separated for the transitional period as foreshadowed by the Sind Administrative Committee?

The Honourable Sir Nripendra Sircar: (a) The reply to the first part of the Honourable Member's question is in the negative. So far as I am aware the Sind Administrative Committee made no such recommendation.

(b) As regards the second part I invite the Honourable Member's attention to the provisions in this respect in the Government of India Bill.

GRIEVANCES OF MUSLIM POSTAL EMPLOYEES IN SIND.

61. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** (a) Will Government be pleased to state whether their attention has been drawn to a publication of the Sind Branch of the *Muslim Post* and R. M. S. Employees Union, entitled the *S. O. S.*, in which the conduct of the officers concerned in respect of their treatment of Muslim subordinates has been seriously impeached?

(b) Have Government instituted any enquiry into the grievances contained in the above publication? If so, will they please place the papers of enquiry on the table; and if not, why not?

The Honourable Sir Frank Noyce: (a) Government have seen the publication referred to.

(b) The reply to the first part of the question is in the negative. Government took no action on the publication as it emanated from a body which had not been recognised by Government.

BAD CONDITION OF THE TOMB OF SULTAN MAHMUD BAKHRI IN SUKKUR.

62. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** Will Government be pleased to state:

- (a) whether they are aware that the tomb of Sultan Mahmud Bakhri is lying in a very bad condition at a little distance from the Minaret of Meer Massum in Sukkur, Sind;
- (b) whether they are aware that Sultan Mahmud Bakhri occupies a most prominent place in the history of Sind as her ruler for nearly half a century and a father-in-law and Omerah of Emperor Akbar;
- (c) whether they are aware that the cost over repairs to and maintenance of his tomb would be very small; and
- (d) whether they are prepared to consider the desirability of declaring it as a protected monument?

Mr. G. S. Bajpai: (a) The tomb of Sultan Mahmud Bakhri is not a protected monument and Government are not aware of its condition.

(b) I am aware that the Sultan was a ruler of Bhakhar but regret that I am unable to add anything with certainty on the subject of his relationship with Emperor Akbar.

(c) and (d). Enquiries are being made about the monument and if it is identified with certainty and possesses architectural interest, the question of its protection under the Ancient Monuments Preservation Act will be considered.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Minaret of Meer Massum, as mentioned in clause (a) of the question is under protection?

Mr. G. S. Bajpai: I have said that this particular monument, of which I presume the Minaret of Massum in Sukkur is a part, is not protected.

Mr. Lalchand Navalrai: I believe it is not a part, and, therefore, I put the question.

Mr. G. S. Bajpai: My Honourable friend's local knowledge is greater than mine: if it is not a part, then all I can say is that even so the information that I have, shows that it is not protected.

TRANSFER OF SINDHIS WORKING IN THE NORTH WESTERN RAILWAY WORKSHOP AT SUKKUR TO LAHORE AND OTHER PLACES.

63. ***Mr. Nabi Baksh Illahi Baksh Bhutto:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that some months back a large number of staff working in the North-Western Railway Workshop at Sukkur were transferred to Lahore and other distant places;
- (b) the number of Sindhis and non-Sindhis involved in the above change;

(c) the reasons for not detaining Sindhis in Sindh and for not shifting non-Sindhis to places outside Sind in cases in which they stood on equal footing in respect of qualifications and the nature of work; and

(d) the number of Sindhi Muslims and Muslims in general, respectively involved in the above changes?

Mr. P. R. Rau: I have called for information required and will lay a reply on the table of the House in due course.

SELECTION OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL.

64. ***Dr. G. V. Deshmukh:** (a) Will Government please state whether the post of the Secretary of the Medical Council of India to be filled in as contemplated in section 9 (2) of the Indian Medical Council Act, 1933, was advertised and if so, in which papers?

(b) How many applications were received for this post from Indians and how many from non-Indians?

(c) Who constituted the Selection Board and on what qualifications was the selection made?

Mr. G. S. Bajpai: (a) No.

(b) Does not arise.

(c) Government selected from among several candidates the most suitable.

Dr. G. V. Deshmukh: May I know why it was not advertised?

Mr. G. S. Bajpai: The reason is that Government wanted somebody with recent and first-hand experience of higher medical education in Great Britain both as an Inspector and as a Visitor to the Universities: that was the reason why they felt that the field of selection was limited and they chose the best man they could get.

Mr. M. S. Aney: What salary does this post carry?

(No reply.)

SELECTION OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL.

65. ***Dr. G. V. Deshmukh:** Will Government please state the name and age of the Secretary of the Medical Council who has been selected, and his special and academic qualifications and pay? If a non-Indian has been selected, what are the reasons for not appointing an Indian?

Mr. G. S. Bajpai: The information desired by the Honourable Member is laid on the table. As regards the second part of his question, I would refer him to the answer just given by me to part (c) of his question No. 64.

Statement.

The Secretary of the Medical Council of India is Mr. Farquhar Macrae. He is 62 years of age, and his pay is Rs. 2,225 per mensem. He possesses the M.B., C.M. degree of the Glasgow University and is a Fellow of the Association of Surgeons of Great Britain and Ireland. Before his appointment as Secretary to the Medical Council of India he was Consulting Surgeon to the Western Infirmary of Glasgow. He has had wide experience as an Examiner and as an official Inspector of Surgery in England.

Dr. G. V. Deshmukh: May I know whether no member competent to take this job was found even in the Indian Medical Service?

Mr. G. S. Bajpai: We did consider the names of one or two officers of the Indian Medical Service, but we came to the conclusion that the importance of securing somebody with very recent experience of medical examinations in England was paramount.

DUTIES OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL.

66. ***Dr. G. V. Deshmukh:** (a) Will Government please state the duties of the Secretary of the Medical Council of India?

(b) What are the duties of an Inspector of the Council?

(c) Will Government please state whether in India the Secretary of the Medical Council has also been appointed an Inspector, and the reasons for doing the same?

(d) Will Government please state whether in any civilised country the Secretary of the Medical Council has also been appointed its Inspector?

Mr. G. S. Bajpai: (a) The Honourable Member is referred to the Regulations published in Government of India, Department of Education, Health and Lands, Notification, No. F.-43-1/34-H, dated the 26th January, 1934, a copy of which has been placed in the Library of the House.

(b) I would refer the Honourable Member to section 16 of the Indian Medical Council Act.

(c) Yes. Under section 16 of the Indian Medical Council Act the appointment rests with the Executive Committee and not with Government.

(d) Yes, in India. Government have no information about other countries.

Dr. G. V. Deshmukh: Can the Honourable Member say that in any civilised country the Secretary of the Council is appointed as an Inspector, except in India.

Mr. G. S. Bajpai: Well, I have given my Honourable friend information about India which, I maintain, is a civilised country. (Laughter.) As regards other countries, I have confessed my ignorance.

APPOINTMENT OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL AS ONE OF ITS INSPECTORS:

67. ***Dr. G. V. Deshmukh:** (a) Will Government please state if it is a fact that the Medical Council of India at its adjourned meeting held at Delhi on the 10th March, 1934, passed a resolution to the effect that the Secretary of the Medical Council of India cannot be an Inspector?

(b) How many members voted for this resolution and how many against it?

Mr. G. S. Bajpai: (a) Yes.

(b) Fifteen for and nine against.

Dr. G. V. Deshmukh: Can the Honourable Member inform this House as to why the President went against the decision of the Council that the Secretary should not be appointed as an Inspector?

Mr. G. S. Bajpai: I think, Sir, that my friend has got a question on that subject later on as regards the appropriateness of the admission of this motion by the President.

MEETINGS OF THE INDIAN MEDICAL COUNCIL.

68. ***Dr. G. V. Deshmukh:** (a) Will Government please state if it is a fact that the Medical Council of India at its meeting held on the 9th March, 1934, decided to hold the next meeting of the Council at the end of October or beginning of November, 1934?

(b) Is it a fact that in spite of this decision of the Council, the President of the Council convened the next meeting of the Council on the 12th of June, 1934? If so, why was the Council's decision disregarded?

Mr. G. S. Bajpai: (a) Yes.

(b) Yes. The date was changed to consider a matter of urgent importance and was fixed after all members had been consulted by telegram as to its suitability.

Dr. G. V. Deshmukh: Can the Honourable Member tell me whether there is provision for this in the Act, or a meeting can always be held according to the directions given by the Indian Medical Council?

Mr. G. S. Bajpai: Well, Sir, the position as regards that is that no legislation can provide for emergencies. When an emergency arises, it is for the President to decide, in consultation with the Council, what action should be taken.

Dr. G. V. Deshmukh: Can the Honourable Member tell me what emergency had arisen when the Council had passed a Resolution that the Secretary should not be appointed as an Inspector?

Mr. G. S. Bajpai: No, Sir, that is not the point. The Council had made a Regulation on the subject suggesting that the Secretary shall not be an Inspector. That Regulation was submitted to the Governor General in Council whose approval was necessary in order to invest it with validity. The Governor General in Council returned that Regulation for reconsideration by the Council, and that necessitated a re-summoning of the Council.

Dr. G. V. Deshmukh: Can the Honourable Member tell me what was the nature of the emergency?

Mr. G. S. Bajpai: That, Sir, is presumably a question which can best be answered by the President of the Council, of which my Honourable friend is a very distinguished Member. I take it that the President came to the conclusion that the matter of the appointment of an Inspector was of such importance that he should call another meeting of the Council to consider the matter.

ADMISSIBILITY OR OTHERWISE OF MOTIONS AT MEETINGS OF THE INDIAN MEDICAL COUNCIL.

69. ***Dr. G. V. Deshmukh:** (a) Will Government please state if it is a fact that under regulation 4 (1) (b) of Part I of the Regulations made by the Governor General in Council in exercise of the powers conferred by sub-section (2) of section 18 of the Indian Medical Council Act, 1933, "a motion shall not be admissible if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within one year of the date of the meeting at which it is designed to be moved"?

(b) Is it a fact that in spite of this regulation the President of the Council allowed, at its meeting held at Simla on the 12th June, 1934, a motion to be moved by one of its members which raised substantially the same question that was moved at its meeting held at Delhi on the 10th March, 1934, namely, the question of appointment of the Secretary of the Council as one of its Inspectors?

(c) If the answer to part (b) be in the affirmative, what steps, if any, do Government propose to take against the President for his action?

Mr. G. S. Bajpai: (a), (b) and (c). The Honourable Member is referred to the reply given by me on the 19th July, 1934, to Mr. Mitra's question No. 122.

Dr. G. V. Deshmukh: The same question was raised at the time of the meeting of the Indian Medical Council in Simla, and against the rules in the Act it was declared to be out of order by the President. Can the Honourable Member tell me as to why this was admitted against the rules of the Indian Medical Council Act?

Mr. G. S. Bajpai: Sir, the legal position was fully explained by me in reply to the question to which I have already referred. I would only briefly mention for the information of the House that the question of the admissibility of a motion or the interpretation of a Regulation is finally determinable by the decision of the President under regulation 22 of the Regulations. He exercised that discretion in that particular way.

Dr. G. V. Deshmukh: Is the Honourable Member aware that the President of the Council was asked to take legal opinion on this, because it was a disputed question, and the President of the Council did not take this into consideration?

Mr. G. S. Bajpai: I believe, Sir, that the question of the validity of admission was raised in the Council meeting, and my friend is also correct in saying that the President was asked to take legal opinion, but what action the President has taken, it is not for me to say. I am answering the question as to what the legal position was.

Dr. G. V. Deshmukh: If the legal position was wrong, do the Government propose to take further action in the matter?

Mr. G. S. Bajpai: No, Sir. I think my friend is not correct in assuming that the legal position is wrong. I have already stated that the decision of the President under regulation 22 of these Regulations as to the admissibility of a motion is final.

MODE OF APPOINTMENT OF THE EXECUTIVE COMMITTEE OF THE INDIAN MEDICAL COUNCIL.

70. ***Dr. G. V. Deshmukh:** (a) Will Government please state if any regulations have been made by the Medical Council with the previous sanction of the Governor General in Council to provide for the mode of appointment of its Executive Committee? If so, when?

(b) Will a copy of these regulations be put on the table of this House?

(c) If the answer to part (a) be in the negative, under what rules and regulations is the Executive Committee functioning?

Mr. G. S. Bajpai: (a) Government have received no regulations on this subject from the Medical Council.

(b) Does not arise.

(c) The attention of the Honourable Member is invited to the reply given by me on the 19th July, 1934, to part (d) of Mr. Mitra's question No. 123.

Dr. G. V. Deshmukh: Is the Honourable Member aware that the sanction of the Governor General of India is required for every provision in the Act, and that, accordingly, even this sanction of the Governor General came for the quorum of the Council as well, whereas in this case no sanction has been provided for for the mode of appointment of the Executive Committee?

Mr. G. S. Bajpai: I think, Sir, it would be best if I briefly recapitulated what I said on the last occasion after full consideration and consultation with legal experts. Under section 18(2), a Regulation on this subject might have been made, but was not made by the Governor General in Council. No Regulation for the making of appointments to the Executive Committee was in force at the time, but the Council, in deciding to proceed in a particular manner, was not framing a Regulation under section 18, but was taking an *ad hoc* decision as to the mode of proceeding in the absence of a Regulation. It was open to the Council in the exercise of its power to constitute an Executive Committee, and in the absence of a Regulation to take the action which it took in appointing the Committee in a particular manner.

Dr. G. V. Deshmukh: Is the Honourable Member aware that a very novel procedure of appointing the Executive Committee was started in the Indian Medical Council?

Mr. G. S. Bajpai: Well, Sir, in that case my friend was a party to perpetrating a novelty.

DELAY IN THE PUBLICATION OF MR. MENON'S REPORT ABOUT THE GRIEVANCES OF INDIANS IN ZANZIBAR.

71. ***Dr. G. V. Deshmukh:** (a) Will Government please state why the publication of the report by Mr. Menon, about the grievances of Indians in Zanzibar, is being delayed?

(b) What steps do Government propose to take to remove the grievances of the Zanzibar Indians, and what progress have they made in this direction?

Mr. G. S. Bajpai: (a) Mr. Menon's report was published in a Gazette of India Extraordinary, dated the 28th January, 1935.

(b) The attention of the Honourable Member is invited to the relevant portion of the address of His Excellency the Governor General to the Members of this House on the 24th January, last.

Dr. G. V. Deshmukh: Will the Honourable Member inform this House as to what progress has been made in that direction?

Mr. G. S. Bajpai: The position is that we are awaiting the considered views of the Colonial Office on the representation which we addressed to them. We have not yet got their reply.

Dr. T. S. S. Rajan: Have the Government of India made any representation to the Colonial Government on this question?

Mr. G. S. Bajpai: They made a representation to the Colonial Office as early as the end of November last.

Prof. N. G. Ranga: Have they received any reply?

Mr. G. S. Bajpai: I have already said that we have not yet got a reply.

REMOVAL OF THE LEGAL DISABILITIES OF WOMEN AS REGARDS MARRIAGE AND INHERITANCE OF PROPERTY.

72. ***Dr. G. V. Deshmukh:** (a) Are Government aware of the demand of the women in British India for the appointment of a Commission to consider ways and means for the early removal of the legal disabilities of women as regards marriage and inheritance of property and to recommend such amendments to the existing laws as will make them just and equitable?

(b) Do Government intend to give effect to this demand? If so, when? If not, why not?

The Honourable Sir Henry Craik: (a) Government have received representations on the subject of women's disabilities.

(b) No; because Government do not consider the appointment of a Commission the proper way to deal with the matter.

Dr. G. V. Deshmukh: Can the Honourable Member tell me whether or not there are any disabilities, and if there are any, then is it not the duty of the Government to proceed with the matter?

The Honourable Sir Henry Craik: Sir, I think it is common knowledge that women suffer under certain disabilities regarding inheritance and so on, but all I say is that it is not a matter which, in the opinion of the Government, should be dealt with by the appointment of a Commission.

Munshi Iswar Saran: What other steps do Government propose to take for the removal of the disabilities which the Honourable Member admits are in existence?

The Honourable Sir Henry Craik: The matter is one which, in the opinion of the Government, should be dealt with by legislation by means of private Members' Bills.

Munshi Iswar Saran: Is it not open to the Government to bring forward Bills themselves if they are convinced that these disabilities exist?

The Honourable Sir Henry Craik: The question is, it appears to me, a very thorny one, on which a good many people hold widely divergent views, and I think it is better that it should be brought forward by way of a private Member's Bill.

Munshi Iswar Saran: Are we to understand that Government will in future only bring forward Bills about which there is more or less general unanimity in the public?

The Honourable Sir Henry Craik: No, obviously not on all questions, but on matters in which social and religious feelings are deeply involved, I think that is the general position.

SEPARATION OF SIND.

73. ***Seth Haji Abdoola Haroon:** (a) Has the attention of Government been drawn to the Sind Administrative Committee Report 1934, paragraph 189, which runs as follows:

"For these reasons, we suggest that an interval between a decision to separate Sind and the setting up of the new responsible Sind Government should be utilized as far as possible in bringing into working order the necessary administrative arrangements. This implies the setting up of a separate administration in Sind, not subordinate to Bombay, of such a kind as will be able to speak authoritatively for Sind, and can be relied on to safeguard the financial interests of the Central Government in all matters, but particularly in connection with the Barrage debt. It is outside our province to consider this matter further, but it must be clear to all that once a decision to separate Sind is taken, the continuance of the present form of administration any longer than necessary can hardly be satisfactory to Sind, to Bombay, or to the Central Government."

(b) If so, will Government be pleased to state when Sind is going to be separated?

(c) What steps are Government going to take to bring into working order the necessary administrative arrangements for the separate province of Sind?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) and (c). I am not in a position to make any statement supplementary to the provisions of the Government of India Bill. The question whether or not Sind will be separated is still a matter for Parliament to decide.

Seth Haji Abdoola Haroon: There is a Bill no doubt which has not yet been decided, but, in the meantime, are Government taking into consideration the recommendations of the Sind Administrative Committee and arranging machinery for the future Sind Government?

The Honourable Sir Nripendra Sircar: We are not in a position to do anything unless we know the final decision of Parliament in this matter.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the Government of India take it as settled that Sind is going to be separated, or these hypothetical questions should not be answered?

(No reply.)

ADJUSTMENT OF ACCOUNTS AFTER THE SEPARATION OF SIND.

74. *Seth Haji Abdoola Haroon: Will Government be pleased to state whether it is a fact that after separation of Sind, the accounts with Bombay will be adjusted, and if so, in what manner the adjustment will be effected?

The Honourable Sir James Grigg: It will undoubtedly be necessary to adjust the accounts with Bombay after the separation of Sind assuming that it takes place. The manner of the adjustment is being considered by the Accounts Officers concerned.

ADJUSTMENT OF ACCOUNTS AFTER THE SEPARATION OF SIND.

75. *Seth Haji Abdoola Haroon: Will Government be pleased to state whether they have considered the question of the appointment of an independent commission of experts on finance and economics, who should go through the Bombay Government accounts and side by side get evidence from the representatives of both Sind and Bombay Governments and from those of the people, in order to decide their course of action as to what portion of debts, pensions, etc., should be payable by Sind, after having deducted the asset values which Bombay Government enjoys? If so, with what result?

The Honourable Sir James Grigg: Again, with a general reservation, assuming that the decision of Parliament is in favour of separation, the distribution of debt and pensionary charges is being examined by the Accountant-General, Bombay. Since this is largely a question of accounting, the Government of India do not consider it necessary to adopt the procedure suggested by the Honourable Member.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there are any orders from the Secretary of State to do anything in anticipation of the separation of Sind?

The Honourable Sir James Grigg: Not that I am aware of; but if the Honourable Member will put down a question on the paper, I will give him an answer.

RATE OF INTEREST ON SUKKUR BARRAGE DEBTS.

76. *Seth Haji Abdoola Haroon: Will Government be pleased to state the rate at which they have charged interest on Barrage debts of 1932-33, 1933-34, and 1934-35, respectively?

The Honourable Sir James Grigg: On loans taken during the three years mentioned by the Honourable Member, the rate of interest charged is as follows:

1932-33	5½ per cent.
1933-34	4½ per cent.
1934-35	3½ per cent.

SALES, LEASES, ETC., OF LANDS IN THE SUKKUR BARRAGE AREA.

77. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state whether their attention has been drawn to the Report of the Sind Administrative Committee 1934, paragraph 77-A, which runs as follows:

"Here, we may mention another fact connected with the receipts on account of land sales and leases, which has come to our notice and which we feel bound to

comment upon, as it appears to us to be open to question. Prior to 1932-33, receipts from the sales, leases, etc., of lands in the Barrage Area were not utilised even towards payment of interest on capital. It appears that they merged in the general revenues of the Government of Bombay, but we have not been able to ascertain the reasons for this appropriation. The amount involved was about Rs. 12½ lakhs. In our opinion it should have been credited to the Loan Account in the same way as the receipts of 1932-33."

(b) If the reply to part (a) above, be in the affirmative, what action have Government taken to give effect to the suggestion contained therein?

The Honourable Sir James Grigg: With your permission, Sir, I shall answer this question and questions Nos. 78 and 79. The attention of Government has been drawn to the paragraphs quoted by the Honourable Member from the report of the Sind Administrative Committee, and the points raised by the Committee have recently been the subject of a special enquiry by the Accountant-General, Bombay, working under the supervision of the Auditor-General. The matter is still under discussion with the Government of Bombay.

SURPLUS OVER WORKING EXPENSES IN THE SUKKUR BARRAGE CANALS.

†78. *Seth Haji Abdoola Haroon: (a) Has the attention of Government been drawn to paragraphs 79 and 80 of the Sind Administrative Committee Report 1934, which runs as follows:

Para 79: "We are surprised, however, to find that in 1932-33, the very first year of the working of the Barrage Canals, although there was, contrary to anticipations, a net surplus of Rs. 19.86 lakhs over working expenses, the surplus was allowed to merge in the general revenues of the Government of Bombay instead of being utilized towards part payment of the unpaid interest, on capital. Here again, we see a charge made against the Capital (Loan) Account of the Barrage by utilising in relief of general revenues a sum to which those revenues have no claim, whilst a liability of the Capital Account awaits to be honoured."

Para. 80: "The Budget for 1934-35 just laid before the Legislative Council of Bombay shows that even in the accounts of 1933-34 and 1934-35 it is not proposed to utilize the net revenue from the Barrage system either towards payment of interest or towards repayment of debt. We understand that the estimated figures for these years are Rs. 27.27 and Rs. 21.87 lakhs. On this basis, by the end of 1934-35 the amount of Barrage earnings (gross revenue minus working expenses) appropriated to general revenues will be Rs. 69 lakhs as shown below:

Year.	Amount. Lakhs of Rs.
1932-33 (Kharif season only)	19.86
1933-34 (Revised Estimate)	27.27
1934-35 (Budget Estimate)	21.87
TOTAL	69.00

The revenue accounts of the Government of Bombay for 1932-33 closed with a surplus of Rs. 26.21 lakhs and the revenue surpluses estimated for 1933-34 and 1934-35 amount respectively to Rs. 70,000 and Rs. 3.9 lakhs only. It is obvious, therefore, that the Barrage revenues are playing a great part in avoiding the revenue deficits of the Government of Bombay and in balancing its budget. We cannot, however, see how the audit authorities and the Public Accounts Committee will accept this book keeping, involving as it does the utilisation, for avoidance of fresh non-productive debt, of earnings derived from earlier productive debt, without first meeting the legitimate accruing liability of the latter debt. We trust that this question will receive the most urgent and serious consideration of the highest authorities, without waiting for the decision of the question of separating Sind."

(b) What action have Government taken, or propose to take, in the matter?

† For answer to this question, see answer to question No. 77.

DEBTS INCURRED ON THE SUKKUR BARRAGE SCHEME.

†79. *Seth Haji Abdoola Haroon: (a) Will Government be pleased to state whether their attention has been drawn to paragraph 82 of the Report of the Sind Administrative Committee 1934 which runs as follows:

Para. 82: "The total outstanding debt (both principal and accumulated interest) at end of 1933-34 should be split up into a number of sections as indicated below:

Serial No.	Section.	Amount of principal.	† Amount of interest accumulated to end of 1933-34.
	GOVERNMENT OF INDIA ACCOUNT.		
(i)	Capital expenditure (direct as well as indirect) recoverable from the Government of India on account of their share of the capital cost of the Barrage project in connection with irrigation in Nasirabad tahsil in Baluchistan.		
	§KHAIRPUR STATE ACCOUNT.		
(ii)	Capital expenditure recoverable from Khairpur State on account of its share of the capital cost of the Barrage project.		
	SIND ACCOUNT.		
(iii)	Capital expenditure recoverable by sale of surplus plant anticipated sale proceeds of plant less : (1) cost of reconditioning it before sale, and (2) cost of sales organisation. (The gross and net figures and also the deduction should be shown separately.)		
(iv)	Recoverable capital expenditure (including indirect charges) on water courses and rectangulation.		
(v)	Barrage debt to be redeemed by proceeds from sales and leases of Barrage lands, including lands acquired for the Barrage works.		
(vi)	Barrage construction debt to be redeemed from other provincial resources.		

† The amount of interest attributable to each section is probably not ascertainable readily. If so, the total amount outstanding should be apportioned on some equitable basis.

§ These should be understood to include not only charges directly incurred for works required for irrigation in Nasirabad Tahsil and in the Khairpur State respectively, but also a proportionate share of any works carried out, or to be carried out in future, outside those areas, if such works are essential for the service, safety or development either of the Barrage canals generally, or of the Nasirabad tahsil and Khairpur State in particular. There would, for example, be included a share of the expenses incurred on the investigation and carrying out of sub-soil drainage works, and of the Manchar Drainage Scheme in so far as it pertains to the disposal of flood waters from the North."?

(b) If so, what action do Government propose to take in the matter?

† For answer to this question, see answer to question No. 77.

AIR MAIL SERVICE BETWEEN LAHORE AND DELHI.

80. *Mr. Fakir Chand: (a) In view of the great advance made in European countries in civil aviation, will Government please state the progress of feeder services in India between principal towns?

(b) Is there a regular service of passengers and mails between Lahore and Delhi? If not, do Government propose to consider the desirability of inaugurating such services weekly or bi-weekly?

The Honourable Sir Frank Noyce: (a) The following air services are at present in operation in India:

- (1) The trans-India service between Karachi and Rangoon, *via* Jodhpur, Delhi, Cawnpore, Allahabad, Calcutta and Akyab. The service is operated jointly by the Imperial Airways, Limited, and the Indian Trans-Continental Airways, Limited, as a part of the Empire air service between England and Australia. The section between Karachi and Calcutta is operated twice a week and the remainder once a week.
- (2) A service, twice a week, between Karachi and Madras, *via* Ahmedabad, Bombay and Hyderabad (Deccan), connecting with the Croydon-Karachi service. The service is operated by Tata Sons, Limited.
- (3) A service, twice a week, between Karachi and Lahore, *via* Sukkur and Multan, connecting with the Croydon-Karachi service. The service is operated by the Indian National Airways, Limited.
- (4) A service, twice a week, between Calcutta and Rangoon, *via* Chittagong, Akyab and Bassein. The service is operated by the Indian National Airways, Limited. The second service connects with the duplicate service between Karachi and Calcutta operated by the Indian Trans-Continental Airways and Imperial Airways.
- (5) A daily service between Calcutta and Dacca operated by the Indian National Airways, Limited.

In addition the Irrawaddy Flotilla and Airways, Limited, a new company recently constituted in Burma, is operating experimental air services between Rangoon and Moulmein and Rangoon and Mandalay.

It is expected that the Karachi-Madras service will be extended to Colombo in the near future.

(b) There is at present no regular air service between Lahore and Delhi and Government do not contemplate that such a service will be operated until it is proved that there is a prospect of its proving a financial success. The matter is one for private enterprise.

OPENING OF THE RAILWAY LINE BETWEEN DURAHA AND RUPAR NALAGARH.

81. *Mr. Fakir Chand: (a) Is it a fact that there was a railway line between Duraha (near Ludhiana) and Rupar Nalagarh some years ago?

(b) Is it a fact that the line was constructed for the purpose of facilitating communications between the western districts of the Punjab and Simla?

(c) Is it a fact that the idea was that the trade of sugarcane, grains and other commodities of the Ludhiana and other districts might be increased and get some encouragement?

(d) Was the railway line closed as soon as the stones needed for the Sutlej Valley Project were not required?

(e) Do Government propose to bear in mind this project of 33 miles when other railways are opened?

Mr. P. R. Rau: (a) Yes.

(b) and (c). No. The line was constructed by the Punjab Irrigation Department for the purpose of carrying stone from the Nalagarh quarries for the Sutlej Valley Project.

(d) Yes.

(e) The line was never intended to be permanent and now that the Sirhind Rupar line has been constructed, there seems no necessity for it to be revived.

AMOUNT RAISED FROM THE ADDITIONAL TAX ON PETROL FOR THE ROAD FUND.

82. ***Mr. Fakir Chand:** Will Government kindly inform this House of the amount of money raised from the additional tax on petrol for the road fund during the last three years?

The Honourable Sir Frank Noyce:

	Rs.
1931-32	102.01 lakhs.
1932-33	101.77 "
1933-34	108.52 "

DEBTS INCURRED ON THE SUKKUR BARRAGE SCHEME.

83. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the total amount of debt incurred on the Barrage Scheme till the 31st March, 1934?

The Honourable Sir James Grigg: Approximately Rs. 24 crores.

SALES, LEASES, ETC., OF LANDS IN THE SUKKUR BARRAGE AREA.

84. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state:

(i) the total area covered by the Barrage;

(ii) the total area already sold in the Barrage area either on instalments or on full payments along with the amount realised; and

(iii) the total area which has lapsed to Government on account of failure to recover the instalments?

(b) What is the area still left for sale?

(c) What is the total area given on lease? How many acres were given for *yak sala* (one year lease) and how many acres for five, ten, or twenty years?

The Honourable Sir Frank Noyce: The Government of India are not directly concerned with the details of the administration of the Lloyd Barrage and Canal Construction Scheme, and I am, therefore, unable to supply the information asked for by the Honourable Member.

Mr. Lalchand Navalrai: May I know from the Honourable Member how far the Government of India are concerned in the Barrage itself?

The Honourable Sir Frank Noyce: To the extent of Rs. 24 crores, I believe. (Laughter.)

PUBLICATION OF THE REPORT OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

85. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to mention the probable date by which the report of the Indian Delegation to the League of Nations will be published?

(b) Do Government propose to give an opportunity to the Assembly to discuss the report?

(c) Who were the members of the Delegation?

(d) What is the number of the entire staff of the Delegation?

(e) What is the total cost of the Delegation and what portion of the expenditure was paid by the Government of India?

(f) Was any contribution made by the Indian States or Home Government?

The Honourable Sir Nripendra Sircar: (a) The report was published in the Gazette of India of the 26th January.

(b) The Honourable Member is referred to my reply to his own question No. 572 asked on the 14th August, 1934.

(c) His Highness the Aga Khan, Sir Denys De S. Bray, Sir V. T. Krishnama Chari and Sir Homi Mehta.

(d) The staff which was provided by the India Office included, as shown by the statement on pages 16 and 17 of the Special Supplement to the Official Journal, a copy of which is in the Library, one Secretary General, one Assistant Secretary General and one Secretary. It is probable that two stenographers and a messenger were also provided by the India Office.

(e) The whole of the cost is borne by Indian Revenues. The actual expenditure incurred in England is not available, but the revised estimate was £2,550. Expenditure amounting to Rs. 726-15-0 has been incurred in India.

(f) No.

Munshi Iswar Saran: Who was the Leader of the Delegation?

The Honourable Sir Nripendra Sircar: H. H. The Aga Khan.

Dr. Ziauddin Ahmad: The answer to which reference is made was given before the Delegation wrote its report, and I refer to the report mentioned in part (a) of the question.

The Honourable Sir Nripendra Sircar: Part (b) is:

"Do the Government propose to give an opportunity to the Assembly to discuss the report?"

Dr. Ziauddin Ahmad: The report which is mentioned in part (a).

The Honourable Sir Nripendra Sircar: I am afraid I do not follow my Honourable friend. Part (b) of the question is:

"Do Government propose to give an opportunity to the Assembly to discuss the report?"

and if the Honourable Member will only consult the last answer I gave, that will cover this report also.

Dr. Ziauddin Ahmad: But the answer was given at a time when the report had not been written out and was not in the hands of the Government or of any other person. It was given in the month of August, and the Assembly of the League sat in September.

The Honourable Sir Nripendra Sircar: It is clear that the Honourable Member has forgotten what question he put and what answer he got, the date of the report makes no difference in the situation.

Mr. N. M. Joshi: May I request the Honourable Member to read the reply? I did not follow him.

The Honourable Sir Nripendra Sircar: Does my Honourable friend want the reply which was given on the 14th August, 1934?

Mr. N. M. Joshi: Today asking for an opportunity for discussing the report.

The Honourable Sir Nripendra Sircar: My Honourable friend's recollection is better than mine, and I am afraid I cannot reproduce exact words of what I have said. The answer which was given on the 14th August will apply to the question which my Honourable friend put today.

Mr. F. E. James: I can refresh my Honourable friend's memory. The reply at that time was that it was open to any Member to move a motion that the report be taken into consideration. To that I asked a supplementary question whether, in view of the difficulty that private Members have in getting a Resolution like that tabled, the Government would not themselves table such a motion. The Honourable Member said that that matter was under the consideration of Government. Have the Government come to any decision on that point, or is it still under their consideration?

The Honourable Sir Nripendra Sircar: My recollection—and I speak subject to correction—my recollection is. I said that if there was a demand for it, Government would be prepared to consider it. Since then we have received no demand, and if a demand is made we shall certainly be prepared to consider the question of giving a day.

Mr. N. M. Joshi: May I ask in what form the demand should be made?

The Honourable Sir Nripendra Sircar: Couched in polite language. (Laughter.)

PERSONS DETAINED WITHOUT TRIAL.

86. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to lay a statement on the table of this House giving the names of all the persons at present confined, without trial, with their respective ages and periods of detention?

(b) Do the Government of India or the Local Governments periodically examine their cases and consider the advisability of their release? If so, how often?

(c) Are there any non-official visitors appointed for the detention camps as is done in the case of jails?

(d) Do Government propose to consider the feasibility of appointing non-official members of this House as visitors for the detention camps?

(e) What facilities for reading are provided to detenus?

(f) Are any libraries attached to the detention camps? If so, what is the total number of books in them and how much money is annually spent for purchasing new books for the said libraries?

(g) Are Government prepared to give any facilities to the members of this House who desire to visit Andamans and see conditions for themselves?

The Honourable Sir Henry Craik: (a) The Government of India are concerned only with cases of persons (i) who are confined under Regulation III of 1818 and the corresponding Madras and Bombay Regulations, and (ii) who are committed to jail custody by orders of the Bengal Government passed under the Bengal Criminal Law Amendment Act, 1930, but who are detained in jails outside Bengal under the provisions of section 2 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932. My reply to this and the other parts of this question is accordingly confined to such detenus and State Prisoners. There are at present 40 State Prisoners confined in jail under Regulation III of 1818.

These are the persons mentioned in items 2 to 18, 21 to 28 and 40 to 54 of the list laid on the table on the 14th August, 1934, in reply to question No. 555. Only one person is detained in jail under the provisions of the Madras State Prisoners Regulation, 1819. His name is Amir Haidar Khan. He was arrested on the 31st August, 1934. There are no persons detained in jail under the Bombay State Prisoners Regulation, 1827. 500 Bengal detenus are detained in jails outside Bengal in accordance with the provisions of section 2 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932. Of these 497 are confined in the Deoli Camp Jail and the other three are in Jails in the Punjab. It would not be in the public interest to give the names of these persons.

(b) The cases of persons detained under the State Prisoners Regulations are reviewed twice a year in accordance with the terms of those Regulations. I understand that the Bengal Government review from time to time the cases of persons detained under section 2 of the Bengal Criminal Law Amendment Act, 1930.

(c) There are two non-official visitors for the Deoli Camp Jail, which is the only jail or detention camp for detenus with which the Government of India are concerned.

(d) The visitors are appointed by the Chief Commissioner, Ajmer-Merwara and not by the Government of India. One of them was a Member of the last Assembly.

(e) and (f). Subject to the approval of the Jail Superintendent, detenus may obtain books from outside the jail. 200 books at a time are supplied from certain libraries for the use of the detenus in the Deoli Camp Jail. An attempt was made to start a library at Deoli, but it was abandoned owing to the apathy on the part of the detenus themselves.

(g) There are no detenus or State Prisoners confined in the Andamans.

Mr. Mohan Lal Saksena: With reference to part (b), I want to ask which is the authority that reviews the cases?

The Honourable Sir Henry Craik: In the case of prisoners under the 12 Noon. State Prisoners Regulations, they are reviewed twice a year in accordance with the terms of those Regulations.

An Honourable Member: By whom?

The Honourable Sir Henry Craik: I think it is by the Government of India, but I am not sure. I cannot say for certain in the case of the Madras Regulation. I think it is by the Government of India.

Mr. Mohan Lal Saksena: Will the Honourable Member make inquiries and give the information later on?

The Honourable Sir Henry Craik: If the Honourable Member will speak to me, I shall look into the point and give him the information.

Mr. Sri Prakasa: May I ask whether the review is about their conduct in jail during the preceding six months or is it a review over and over again of what they may or may not have done before they were caught?

The Honourable Sir Henry Craik: Consideration is directed to the question whether it is safe in the interests of internal security to release the prisoners.

Mr. Sri Prakasa: May I take it that it is not a review of their cases, but a review of general security as understood by the Government of India?

The Honourable Sir Henry Craik: All relevant factors are taken into consideration.

Pandit Govind Ballabh Pant: Is it a fact that none of the visitors to the Deoli Camp Jail is a Member of this Assembly?

The Honourable Sir Henry Craik: The Members of this Assembly have for the most part only been Members of this Assembly for a very few weeks. One of the visitors was a Member of the last Assembly.

Pandit Govind Ballabh Pant: Is it the intention of Government to appoint one of the Members of the present Assembly as a member of this Committee?

The Honourable Sir Henry Craik: I will take that into consideration, but there are natural limitations on the practicability of that, because the non-official visitor in question must be a resident of the locality who is prepared to visit the camp which is in a rather remote place.

Pandit Govind Ballabh Pant: Will Government be pleased to appoint a Member of the Assembly from the Party to which I have the honour to belong, if he agrees to serve as such?

The Honourable Sir Henry Craik: I have already explained that the visitor is appointed by the Chief Commissioner of Ajmer-Merwara and not by the Government of India. I cannot undertake to advise the Chief Commissioner to appoint a member of any particular Party.

Mr. Mohan Lal Saksena: I have not been able to hear the reply to part (g).

The Honourable Sir Henry Craik: The reply was that there are no detenus or State Prisoners confined in the Andamans.

REPORT OF THE JOINT PARLIAMENTARY COMMITTEE ON INDIAN CONSTITUTIONAL REFORM—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The question before the House is:

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

Mr. N. M. Joshi (Nominated Non-Official): During the short time at my disposal, I propose to examine the proposals of the Joint Parliamentary Committee from the point of view of the masses and the working classes of this country. While examining the proposals, I shall first see what powers of Self-Government are transferred from the British to Indian hands. Secondly, I shall also examine how the powers. . . .

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadian Rural): On a point of order. I see that the Honourable Member in charge of the motion is not in his seat.

Mr. President (The Honourable Sir Abdur Rahim): That is not a point of order.

Mr. N. M. Joshi: Secondly, I shall examine how the powers of Self-Government transferred to Indian hands are distributed among the various sections of the people of this country. The working classes of this country are interested in Self-Government, but they do not want a mere change of masters. They are interested in seeing that they get their due share of the powers that may be transferred from the British

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to the Indian hands. Thirdly, I shall examine the scheme from the point of view of the future prospects of its being developed into a scheme for full fledged Self-Government. The outlines of the scheme, proposed by the Joint Parliamentary Committee, consist, in the first place, of a kind of provincial responsible Government with special powers reserved to the Governor. The Honourable the Leader of the House, the other day, said that we need not imagine that all the Governors will be unreasonable men. Sir, I do not imagine that all the Governors will be unreasonable men, but, Sir, it will be equally admitted that all the Governors will not be angels. May I ask, Sir, if there is provision in the Bill for checking the unreasonableness of the Legislatures by the special powers of the Governors, what safeguard has been provided in the Constitution to protect the people against the unreasonableness of the Governors? Some of the special powers provided for the Governors in the new Constitution are not given to him even under the present Constitution in the transferred sphere. Moreover, Sir, if we are to consider the proposals from the point of view of the provinces, large portions of some of the provinces are excluded from the powers of the Legislatures; they are called "totally excluded or partially excluded areas". I am one of those people who feel and feel very strongly that every measure of protection should be given to the people of these excluded and partially excluded areas as they are the most backward sections of the community. But, what the Report provides is that these excluded areas shall be governed autocratically by officers belonging to the Civil Services. I feel, Sir, that if the Joint Parliamentary Committee wanted really to protect the backward communities of these excluded and partially excluded areas, they should have provided adequate representation in the Legislatures to the people of these areas. I would have even suggested that they should have even given a large amount of weightage to the people of these areas. I would have even suggested that the Government should have passed laws protecting the lands of these people, protecting these people against the impositions of usurers in these areas, but it is not the right kind of protection that these people should be denied the protection of the Legislatures that may be established in these provinces.

Sir, when we examine the powers transferred to Indian hands in the Central Government, we find that a Federation is to be established there, with some dyarchical form of responsibility, and with certain Departments reserved. The Army Department is to be reserved, the Foreign and Political Department is to be reserved, and so on. May I ask, if India is a member of the League of Nations—and we are always told that the Indian Delegation is free from the influences of the British Delegation,—why India should be denied the right to manage its own foreign affairs? Then, Sir, the Ecclesiastical Department is to be reserved. May I ask what is the need of an Ecclesiastical Department for India? In every city, in every town, almost everywhere, there is a church where the officers of Government can go and pray. I would, therefore, suggest that the Ecclesiastical Department should be abolished immediately.

Then, Sir, the Scheme proposes several safeguards and special powers. If there is any community in this country which requires safeguards, it is, I say, the working classes and the masses. May I ask what are the

safeguards provided for the masses and the working classes of this country? (Hear, hear.) I am not suggesting, Mr. President, that in order to safeguard the interests of the working classes and the masses, special powers should be given to the Governors and the Governor General. No, Sir, that is not my demand. If the Government of India and the British Parliament wanted to protect the interests of and to provide safeguards for the working classes of this country, they should have given them adequate representation in these Legislatures, but, Sir, the representation provided to the working classes is utterly inadequate. I shall speak about that later on, but, Sir, instead of providing safeguards to protect the interests of the masses and the working classes, the Joint Parliamentary Committee provides safeguards to protect the interests of the British community. Most of the safeguards are intended to protect whatever the British have in this country, to protect the rights of the British commercial community, to protect the rights of the British investors in this country, to protect the rights of the British services in this country! In order to protect these British interests in this country, they have provided safeguards to prevent commercial discrimination. Safeguards are provided by way of a Statutory Railway Board to protect the interests of British investors, and safeguards are provided in order that the currency and exchange policy of this country should not be against the interests of Great Britain. Sir, with all these safeguards, with all these special powers, and the reservations, the rights which have been transferred to India are merely illusory. I feel, Sir, that the Scheme, as a measure of self-government, is utterly inadequate. The proposals made by the Labour Members of the Joint Parliamentary Committee and put forward by Major Attlee, to my mind, are a great improvement upon what the Joint Parliamentary Committee has proposed, and, speaking personally, I feel that if the proposals of the Labour Members had been accepted by the Joint Parliamentary Committee, these proposals might have been accepted as a compromise even by India; but, Sir, the proposals of the majority of the Joint Parliamentary Committee are proposals which are based upon the distrust of the people of this country. My Honourable friend, Sir Leslie Hudson, the other day said that these safeguards were necessary on account of certain statements made by certain classes of politicians in this country. I have ceased to belong to the Indian National Congress, but, Sir, it is no true to say that the special powers and safeguards have been included in the Scheme to prevent the mischief which may be caused by the Indian National Congress or any other class of politicians. The safeguards are provided in this Constitution, because the British people distrust the Indian people as a whole, including the Indian princes, and including the commercial and landed magnates in this country. If the Joint Parliamentary Committee had the least confidence in the Indian princes and the landed magnates of this country, where was the need for any reservations, for any special powers, for any safeguards, when one-third of the Members in the Lower House and when forty per cent of the Members of the Council of State are to be the representative of the Indian princes, with the representation of the Europeans added to them? Sir, the Indian National Congress or any other single political party in this country has not the least chance of securing a majority in the future Council of State as it is proposed to be constituted; and, that is not so; and if special powers and reservations are provided for them, they are provided for simply because the British people have no confidence

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dence even in the Indian princes and even in the landed and commercial magnates of this country. Sir, I am prepared to admit that as between the Indians themselves, the Britishers have more confidence in the princes than in the people of British India. As between the people of British India itself, I am prepared to admit that the Joint Parliamentary Committee had more confidence in the landed and the commercial magnates than in the common people of this country. Sir, these different degrees of distrust among the different sections of the Indian population has been clearly indicated by the proposals which the Joint Parliamentary Committee has made for setting up the machinery for the Central Government.

The Joint Parliamentary Committee proposes that the machinery for the future Government will consist of a Federation with two Chambers, the Legislative Assembly and the Council of State. In the Federation, the princes are to have the weightage. May I ask why this weightage has been provided for the princes? Moreover, the Joint Parliamentary Committee did not recognise the existence of the people of the Indian States. All the representation given not only in the Council of State, but even in the Lower Chamber, is the representation given to the Indian princes and not to the people of the States. If the weightage had been given to the people of the Indian States, I, for one, would not have objected to it at all. Mr. President, the legislative machinery of the Federation is to consist of two Chambers of Legislature, the Legislative Assembly and the Council of State. Both these Chambers are to be formed by the method of indirect election. May I ask whether there is any country in the world where the Lower Chamber is elected by indirect method of election? If that is not so, why should India be selected for that honour? Sir, this method of indirect election by the Legislatures was followed for some years in the United States of America, not for electing the Lower House, but for electing the Upper Chamber. The result was that corruption became rampant and the Upper Chamber of the United States became a millionaires' club. Sir, in India, the Legislative Assembly, which is to be elected on indirect method of election, will also become the millionaires' club, and our Council of State will become the multi-millionaires' club. I must admit that the Joint Parliamentary Committee has provided a special reserved representation for the Indian labour in the Legislative Assembly. They have provided ten seats for labour. But, Sir, the National Federation of Trade Unions in India had asked for ten per cent. of the seats. It was a very modest demand and the Joint Parliamentary Committee has given only three or four per cent. of the seats. Moreover, the Joint Parliamentary Committee, fearing that the labour members might combine with the members of the depressed classes, and may somehow persuade the Lower Chamber to pass some kind of labour legislation protecting the interests of the masses, have provided for a Council of State without any labour representation. I shall only mention one fact. The province of Bombay is going to send 16 Members to the future Council of State and the first election of 16 Members from Bombay to the Council of State is to be made by 30 Members which form the Council of State of Bombay. Sir, have you ever heard 30 men selecting 16 persons to be the members of the future Council of State? This is the kind of election that has been provided for the future Council of State. My feeling is that the Joint Parliamentary Commit-

tee has constituted these Legislatures on the lines proposed in their report in order that the will of the common people should always be frustrated. Sir, with a Legislature of this kind, is there the least chance, with even the provision of ten seats in the Legislative Assembly representing labour, of any labour legislation being passed?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time.

Mr. N. M. Joshi: I shall try my very best to finish soon.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time, and the Chair will give him only five minutes more.

Mr. N. M. Joshi: Sir, the Provincial Legislatures are to be elected by direct method of election. I admit that the scheme of the Joint Parliamentary Committee has extended the electorate from three per cent. to 14 per cent. But here, too, the Joint Parliamentary Committee was afraid that some kind of progressive legislation may pass through the Provincial Legislatures. Therefore, they have provided for a Second Chamber even in the provinces.

Sir, I shall say only a word about the future changes which could be made in our Constitution. The Joint Parliamentary Committee has provided that the Legislatures should pass Resolutions recommending the extension of the franchise, but is it natural to expect Legislatures, elected on restricted franchise, to pass Resolutions recommending the extension of franchise? The Joint Parliamentary Committee has also recommended that the future Federal Legislature, elected on indirect method, should pass Resolutions that the future method of election should be a direct method. Sir, is it also natural that a Legislature, elected on indirect method of election, can pass a Resolution that the direct method should be brought into force? One word more about the future Constitution, which will show clearly that there is absolutely no hope for the future under the new Constitution. The princes are to be admitted to the Federation by means of Treaties, and the Treaties will be based upon the Constitution which will be passed now. If the British Parliament decides to confer further rights of Self-Government upon India, the Treaties will have to be changed or the princes will have to leave the Federation. If the princes do not agree to the changes, which even the British Parliament may agree to make, the changes cannot be made. Under these circumstances, I ask Members of the Assembly to tell me whether there is the least prospect of further rights of Self-Government being conceded to India? And, if that is so, is it not clear that the scheme of Self-Government which the Joint Parliamentary Committee proposes for us is not only inadequate as a scheme for Self-Government, but it is undemocratic in its character and it offers no hope even for the future? It is on account of these considerations that men, who have been noted in this country for their sobriety and moderation and members of the Society to which I have the honour to belong, namely, the Servants of India Society, have passed resolutions preferring to remain under the present Constitution, unsatisfactory though it is, instead of agreeing to hopelessly mortgage their future.

Sir, I have done.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Mr. President, I realise that the subject is long, whereas my life is short, and, therefore, I propose to make the best use of my time in this valley of tears.

Sir, if I have understood the Leader of the House correctly, I take it that the essence of the scheme is that you cannot have provincial autonomy without responsibility at the Centre, and the quintessence of the scheme is that for this responsibility at the Centre the princes must join. If that is the essence of the scheme, myself having had always to deal with the prosaic side of life, I want to put before the House what is going to be the cost of the scheme. While going through the Joint Parliamentary Committee Report, somewhere I read that the cost of provincial autonomy will be something like $\frac{1}{4}$ crore, for putting up the Federation about $\frac{1}{4}$ crore, for trying to bring the princes into the scheme another crore, for the separation of Burma three crores, not to mention of the subventions and subsidies and grants which are to be given to Orissa, 30 lakhs, and Sind, at the lowest, about ten lakhs. Leaving aside the three crores of Burma, what does it come to? It means $\frac{1}{4}$ crore, plus $\frac{1}{4}$ crore, plus one crore and fifty lakhs, and this means we will be spending about three crores. If you capitalise this amount, at three per cent, it means that the country is saddled with a debt or with a liability of about 100 crores. As far as I know (Interruption)—I see my Honourable friend Colonel Gidney interrupting—as far as I know, all this money will have to be raised by taxation and there are no fields of either race or culture which taxation is going to respect, and, therefore, all of us will have to pay this taxation. I want to put it to my countrymen whether the scheme is worth it? Besides, who is going to pay these taxes, not the monied classes only, not the landed property owners only, not even the jewelled princes, but it will be paid by the sweat of the farmer in the field and by the clerk drawing a small salary of Rs. 85 and sitting at the desk, for at the present level of taxation he also comes in. Sir, this being so, is this scheme worth it? We have been given to understand the other day that at the present time—and I believe in it—all politics must be dominated by economics, and that politics is nothing else but economics. This is so far as expenses are concerned.

What is going to be your position? I do not want to go into all the details of this new Constitution comprising two Houses and with the anxiety for the princes to be coming in. I want to know why all this eagerness that the princes should join the Federation. In our eagerness that the princes should join, we are giving them a number of facilities that has never been heard of. We want to give them 20 years period, we want to give them all kinds of concessions. They may make up their minds; they may come in with the treaty of accession; they may reserve any subjects they like; we give them remittances, annuities, immunities and all kinds of things. So far as representation is concerned, in the Lower House there are going to be 125 and in the Upper House or the Council of State, 100. Out of the total number of 625 of both Houses, the princes are to be given a representation of 225. Is there any principle involved in this? For British India, comprising of 240 millions, we are giving 400 representatives in a combined House of 625 and for the Indian States 225 representatives. No one will tell me that the States are representing their people. It is only the 625 and odd Princes Houses which will be represented and for these 625 Princes Houses, you are willing to give 225 representatives. Is this representation or is this mockery of representation? How are the people of the States represented? I know that there

is a flavour of popular representation that has been tacked on to this. If more than half the people of the Indian States agree to this, then only this Federation will come. On the other hand, there are also some other insignificant features brought in to make a show that it is the people of the States who will be brought in. I say it is all false. It is a sort of camouflage. I say that we are not unwilling to have in our Houses of Representatives anybody, but it shall be on equal terms. We will not try to coax or cajole or bribe the princes to come into this Federation. We claim to be equals of a nation, the British nation that has created the largest Empire in the world and coloured half the map of the world with the colour of the blood; we, therefore, claim equality with the greatest nation on earth. That being so, we are not going to allow ourselves to be made the door mat for other people to come in, not even for our princes. We have every respect for the princes for their wealth, for their manners, for their courtliness, but our rights we will not submit to any. Myself and my colleagues in our Party have come here for fair play and justice and equality of rights for all, and, as I said, our rights are our rights and we stand not only for our rights, but the rights of all Indians, and we have pledged ourselves that we will fight to the last for our rights. This is not only in relation to the princes, but this is the same in relation to our minority communities or any other community in India. I say fair play and justice, by all means have it; not only that, we will stand up for it, but anything in the way of privileges or in the way of pampering we will not yield to, whether such a demand comes from the princes or from the majority community or from the minority communities in India. Wherever we find unfairness, injustice or special pampering, we will put down and we will resist it to the same extent as in the case of other parties. However, I will submit to this enormous price and to these enormous offerings to the princes, provided I have got something in return in the matter of principle.

So far as representation is concerned, what is it that we are given? From direct representation, we have come down to indirect representation. Here, Sir, I do not want to condemn something which has already been condemned. So far as I am aware, this system of indirect representation has been condemned even by the Government of India. It seems to me that those who have drafted the scheme have extended themselves, all out, and want to go the whole hogger even in the matter of representation, and so they have recommended indirect representation. Reading through the Report, I find that it is like the doom which is fixed up for India, but it does seem to me that, while talking of direct and indirect representation, they have laid down that it is provisional and if it cannot be found efficient in working, this will be changed. So there is a ray of hope for all of us, and it is this. If one clause could be changed, I say that if the entire nation could stand together as one man, the whole of the Report we ought to be able to change. Therefore, in the case of representation, it is this indirect representation which is against all principles of progress and of civilisation and of good Government and against everything that has been urged in the name of evolution, and, I submit, that in this Joint Parliamentary Committee Report all kinds of things are being saddled on us. If that is our position in regard to representation, how do we stand in relation to the principle of responsibility?

I have gone over the whole Report carefully, you may say even with a microscope, and all the responsibility that I could find in the Joint

[Dr. G. V. Deshmukh.]

Parliamentary Committee Report is the special responsibility of the Governor and the Governor General, and with its associates, the discretion of the Governor, and an even more ugly associate, I find in the Bill at the present time, is individual judgment. That is the responsibility from cover to cover. I do not find the slightest hint of responsibility in the whole Report. Now, in the name of evolution, all these things are being saddled on to us. If that is the price I had to pay and I did not gain any principle, at least I would like to know where I stand so far as the ideal is concerned. The ideal that has been put before us is the ideal of a Federation of India and a United India, an ideal over which we are supposed to enthuse over so that we may achieve a united India, the dream of the old Emperors and the dream of the present politicians. That is the ideal that is offered to us; and I want to bring to the notice of this House how, so far as the aim or the goal or the ideal of the Indian Government is concerned, it has been changing from time to time. Once upon a time we were considered equals. At one time we were promised Dominion Status, an equal position in the Commonwealth; and now the ideal that is being dangled before our eyes is a united India and a Federated India. Sir, this reminds me of the charge that Professor Laski brought against Britishers that in the middle of the game they always change the rules and foul the game. (Laughter.) You will find that in changing the ideal and putting this ideal before us in the name of evolution, the game has been fouled. These gentlemen, who drafted the scheme, were expected to see that we were on a better level of progress, of evolution. Sir, in the name of evolution what is being done is not evolution that we see. To use a scientific word, what these people are trying to do is atavism. It is going back. To speak in popular language, human beings, instead of producing human beings, are producing monkeys and apes. (Laughter.) This is what this evolution means.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Dr. G. V. Deshmukh: Could I rely on your protection of infant industries, Sir. (Laughter.) Well, Sir, I know that the voice of doom has resounded in this House and that I will have soon to depart. I would have very much liked to go on for a little time more, but if that is not to be, I will obey your order.

Sir, this Report, that has been put before us, is not only retrograde or reactionary, but, if you allow me a little time, I can tell you that this has not come before us inadvertently, that there is a scheming and planning behind it. Nothing in this world is done without a certain amount of scheming and planning, if not consciously, certainly unconsciously; and in this scheme I can see the mind that is working behind it. We saw how we were treated to a policy of the strong hand, and now we are going to be treated to a policy of the mean mind. We saw the Government Red of Claw and Tooth now. We are going to be treated to a policy of black mind and fingers. All this has been done, so that we Indians may not have anything to look for. The whole plan underlying this scheme is a spirit of rancour. It is reeking with the spirit of rancour. Do we want to be equals? Do we want to claim equal rights with the

ms? No, that shall not be given to us. And the British Government cannot do it on its own, and, therefore, the princes, who are accustomed to be autocratic, must be brought in. And in this association of the princes I see nothing but a scheme of undiluted autocracy. If this scheme is to be brought in, the princes must be brought in also. The British themselves would not like to do many things. They usually try to keep themselves away from all dirty work. If a loan is to be raised, the Jews of the nation will do it; if battles are to be fought, it is the Irishmen who will do it; and if undiluted despotism is to be brought into this country, it shall be with the help of the princes. I think that is the underlying scheme behind all this, and I want to appeal to my countrymen to see the game that is being played. We should not be satisfied with a little thing here and a little thing there which is the politician's patchwork. But I want my countrymen to be statesmen and ensure the future of this country. I know, Sir, that in this country, there is a sort of opinion which says, what is the good of resisting when this is inevitable and you will have to swallow it? But so is death inevitable, but that does not mean that we should go and commit suicide, because it is inevitable. I would request my countrymen that if the thing is to be forced down our throats, let them do so, but let us not accept this of our own accord. This Constitutional Scheme, that is provided for us, means that we are given a house in which we have absolutely no authority on our servants. Even the very defence of the house is denied to us. We, who defended the Empire in the fields of Flanders and the battle of Ypres, are not supposed to be able to defend our own Empire. The position is that either we are cowards or we are brave people. If we are brave people, I do not see why we should be denied the defence of our own country; and, if we are cowards, I do not see why there should be these innumerable provisions in the Report about peace and tranquillity and special responsibility given to the Governor General and the Governors. I say, therefore, that whatever it may be, we have come here and we must stand up like men. If it is to be given to us and if they want to push it down our throats, at least let us not ourselves accept it. And one thing that I would request you is that we should not be charged by our countrymen at a future date, that while the country was being robbed and stripped and stabbed by these constitutional assassins, we kept quiet; and India should not say to us in future, "What, even you, my children!"

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): Sir, the amendment that I have moved seeks to define my attitude towards the constitutional issue and embodies the amendments which I regard as necessary for the smooth working of the Constitution. It also seeks to embody my objections to all those amendments which either directly or by implication reject or refuse to accept the constitutional advance that is being proffered.

Sir, I think it is perfectly true to say that I have met no one who is exactly in love with this Constitution. If some miracle were to happen tomorrow and my friends on the Treasury Benches could be induced to cross the floor and take their seats on this side of the House.

An Honourable Member: At least one man will vote for them.

Mr. H. P. Mody : I do not know who that one man will be. But I am sure that if that were to happen, they would be equally emphatic in their condemnation, though their condemnation would be in more decorous language.

Sir, in order to appraise the general feeling and to estimate the probable course of events, it is necessary to dip briefly into the history of the last few years. Soon after the inauguration of the Montagu-Chelmsford Reforms, it became apparent that if India was to be saved from political anarchy, some bold stroke of statesmanship was required, and, as early as 1924, this House passed a Resolution by an overwhelming majority asking for a Round Table Conference and the conferment of full responsible Government in India. British statesmen marked time, however, and a futile inquiry was set up with a view to determining what reforms could be effected within the frame work of the Constitution—the Muddiman Inquiry Committee of which my Leader was a member. The next few years were very unhappy years, and ultimately the Simon Commission was sent out, in the teeth of vehement opposition from every section of political opinion in this country. Then came in a movement fraught with a great deal of suffering to those who engaged themselves in it, and with disastrous consequences to the peace and prosperity of the land. It was in this atmosphere that the Round Table Conference idea was evolved. I have heard it said times without number that the men who went to the Round Table Conference represented nobody but themselves (*An Honourable Member*: “Quite True”)—quite true perhaps from my friend’s point of view, but certainly not from mine. (*Interruption*.) The gentleman who interrupted me seems to claim to be the caretaker of the country. It is perfectly possible to question the credentials of individual members of these Conferences, but I ask any one to tell me whether it is not an undisputed fact that some at any rate of those who went to these Conferences were men of whom any country might be proud (*An Honourable Member*: “Only one”) and whose public services and intellectual attainments gave them an undeniable right to have a hand in the shaping of their country’s destiny.

An Honourable Member: They were not our representatives anyhow.

Mr. H. P. Mody: The first Round Table Conference evolved a few fundamental principles of importance. There was a second and a third Round Table Conference, but, paradoxically enough, they only succeeded in weakening the structure which had been erected, and the outcome of these deliberations was the White Paper embodying the policy of His Majesty’s Government. The last stage in this process of hammering out a Constitution by the method of general acceptance was the Joint Parliamentary Committee, which was assisted by some of the most important men who took part in the earlier Conferences leading up to the Bill which is now before Parliament. The essential features of that Bill are that, while it seeks to confer considerable powers to the representatives of the people, it hedges them round with provisions, many of which cannot be described as being “demonstrably in the interests of India”. They seem to me to embody an expression of a policy characterised by timidity and by an uneasy feeling with regard to India’s capacity to manage her own affairs. I do not question, as so many have done, the bona fides and the earnestness of purpose of many of the statesmen engaged in the task. It must be realised by us that on no single occasion in British history have so many eminent statesmen of all shades of opinion been engaged on the

solution of one single problem as on this occasion; and the scheme before us may be said to embody the collective political wisdom of the British race. But this collective political wisdom has not succeeded in bridging the wide gulf between the demands of the country and the traditional conservatism of British policy, and it has not also succeeded in satisfying even those on whom the Government have lent for support in all these unhappy years.

The question might naturally be asked, why then do I support the consideration of this Bill? First and foremost, because I feel that, even taking the very worst view of the case, it marks a considerable advance upon the present position. (*An Honourable Member*: “Question.”) The Montagu-Chelmsford Reforms failed not only because of their inherent weaknesses, but also because the majority of politically-minded Indians refused to work them. The wheels of Government did not stop on that account: others took their places; but I feel certain that if the decision had been otherwise, if the attitude of my friends had been otherwise, either these reforms would have yielded much richer fruits, or they would have been condemned as unworkable at a much earlier stage than they were.

My next reason for supporting the consideration of this Bill is that constituted as I am, I cannot possibly subscribe to a negative attitude in the affairs of life; and if it were to happen that those who are opposing this scheme were to go out into the wilderness, or seizing the reins of power were to try and make government impossible, I see nothing before the country but repetition in an aggravated form of the disasters which overtook this country after the inauguration of the Montagu-Chelmsford Reforms.

That brings me to the point on which so much criticism has centred, namely, the safeguards. Some safeguards, I think, it is conceded by everybody, are necessary in the interests of good government and for the sake of harmony between the various communities and interests. But it must be recognised that the overloading of the Constitution with safeguards is calculated to defeat the very object in view, and to release precisely those forces of reaction and illwill which are such a danger to the Constitution. Sir, it is from this point of view that I deprecate all the elaborate commercial and other safeguards which have been devised. I am one of those incurable optimists who believe in mutual understandings and mutual accommodation, and I am one of those who believe in the trite but very true observation that safeguards can never take the place of goodwill and that no amount of safeguards can avail against the sullen resentment of a people. The other day, this House took a most unfortunate decision which has given rise to a great deal of misgiving. At the distance of five thousand miles, it is possible to magnify and exaggerate the implications of this decision. But I feel certain that many of my friends who opposed the conclusion of the Indo-British Treaty were actuated not by a spirit of hostility to British interests, but by an honest, though in my opinion mistaken, view of the advantages and disadvantages which the Treaty offered. From all these points of view, I would regard it as deplorable if the safeguards were to be thrust upon this country where goodwill alone can make the Constitution work.

Another matter which troubles all of us is the absence of any declaration in the Constitution that the goal of India’s development is the attainment of Dominion Status. I refuse to accept all the excuses which have been trotted out in the last few weeks with regard to the absence of this.

[Mr. H. P. Mody.]

declaration. If Dominion Status is not a constitutional or legal term, surely it is possible to say that India shall enjoy the same status as that which is enjoyed by the other dominions. Lord Irwin, on an historic occasion, gave a pledge that the natural issue of India's constitutional progress was the attainment of Dominion Status, and I cannot conceive of anything so unfortunate as the omission to define clearly and in emphatic terms that the Constitution that is going to come is merely a prelude to the enlargement of India's liberties to the extent of those enjoyed by the other dominions.

There is one other point, Sir, and that is, it seems very likely that the I.P.M. Bill is going to be passed into law substantially as it stands, in spite of all the reactions in this country. It is conceivable, that British statesmen will ask us to justify that experiment, and to show our fitness for a further advance, but let them remember that with all the goodwill on the part of those who will work this Constitution, their efforts are bound to be hampered, and their activities thwarted if the majority of politically-minded Indians refuse to have anything to do with the Constitution. If that were to happen, let British statesmen ask themselves,—to use the language of Mr. Baldwin,—“whether they had given India the right amount of liberty in the right way and at the right time”. (Cheers.)

Captain Sardar Sher Muhammad Khan (Nominated Non-Official): Sir, it is rather difficult for a soldier and a layman like me to take part in a debate of such vast constitutional importance. I have a further handicap in that I have not such a command of the English language as some of my Honourable friends opposite have, but I will try to make a few observations on this important constitutional issue which affects such a vast country as India.

Now, Sir, before I proceed further, with your permission, I should like to say a few words about the Nominated Members for the information of my friend, Dr. Khan Sahib. The Nominated Members represent some interests. There are certainly some interests which must be represented in this House, because it is rather difficult to give those interests a franchise. For instance, my friend, Mr. Joshi, represents here the interests of labour, take the case of ex-soldiers, I am here representing the case for them. How can Government make the franchise sufficiently wide so as to bring in the interests of all these people, the labour, the army and a number of others, but those interests have to be represented here, it does not matter in what way. I, therefore, assure my friend, that we represent the interests of our people with honesty and sincerity as he represents the interests of his people. I am very sorry, Sir, that my friend, Dr. Khan Sahib, said that the North-West Frontier Province was not properly represented in this House before he was elected, but I may tell him that my Honourable friend, Sir Abdul Qaiyum,—I believe most Members know him,—represented the cause of the Frontier Province in this House very creditably. I had the privilege to work with him in the two Round Table Conferences, and I know very well that if he had not put forward the case of the North-West Frontier Province so ably and so vigorously, my friend would not have been able to sit in this House as an elected Member for at least another year more.

Some Honourable Members: Quite right, quite true.

Captain Sardar Sher Muhammad Khan: Now, Sir, at a time when excitement runs very high and passion is brought into play, one is likely to forget the real issue at stake and indulge in rhetorics as has been the case with my Honourable friends of the Opposition. In considering any problem, and particularly a constitutional problem, it is very essential that we should cast aside all prejudices in order to have a cooler appraisal of the document. The Joint Parliamentary Committee Scheme, unlike other schemes for parliamentary Government of the country, transfers powers, political and economic, to the vast electorate and gives us an All-India Federation, Provincial Autonomy and the transfer of law and order to the Ministers. I admit, Sir, that, on the whole, the proposals fall far short of our expectations. But who is to blame for this?

An Honourable Member (from the Independent Party): We.

Captain Sardar Sher Muhammad Khan: I venture to say without any mental reservation that the Congress is solely responsible for the black picture which has now been painted by its representatives. (“Hear, hear” from Congress Party Benches.) I shall illustrate my point. Had not the Congress left the path of constitutionalism, had they not embarked on the course of direct action and civil disobedience, thereby strengthening the hands of the die-hards in England, things would have been quite different. I say that it is my Congress friends who are responsible for the safeguards which have been incorporated into the Constitution. Now that wiser counsels have prevailed and the Congress has re-embraced the path of constitutionalism, may I hope, Sir, that there will be no repetition of the past mistakes? (A Voice: “Hoping against hope.”) Recently, there has been a good deal of propaganda in the Congress Press about the convening of a Constituent Assembly to frame a Constitution for India. I am glad that the Congress accepts the basis of franchise as recommended in the Lothian Report and proposes to convene a Constituent Assembly on that basis. Will not such a move discredit those leaders of the country, including Mahatma Gandhi, who attended the Round Table Conference? Were they not the true representatives of India for all practical purposes? The second Round Table Conference, convened after the Gandhi-Irwin Pact, contained representatives of all shades of political opinion in the country. Was it not a Constituent Assembly. (Some Honourable Members from Congress Party Benches: “No, certainly not.”) If you have no faith in your own leaders like Pandit Malaviya and Mahatma Gandhi, then I have nothing to say more. If such a gathering could not arrive at a decision in regard to the settlement of intricate constitutional problems concerning India, can it be hoped that any such attempt would succeed in the near future?

I shall not take much time of the House in discussing the issue, which is now practically dead, having utterly failed to arouse any interest in the minds of sober politicians.

Let me now come to the vexed question of communal representation, about which there has been a hue and cry during recent months and which has caused a drift even among the ranks of the Congress. My old friend, Bhai Parma Nand,—I don't see him here today in his seat—wanted to be done away with the Communal Award. (A Voice: “No, no.”) My friend, Mr. Lalchand Navalrai, will probably accept the Constitution if we leave out the question of the separation of Sind.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Urban): Absolutely not.

An Honourable Member: Sardar Mangal Singh will accept it.

Captain Sardar Sher Muhammad Khan: With regard to my friend Sardar Mangal Singh, I will just quote the words of the Sikh representative Sardar Ujjal Singh, in the Round Table Conference. . . .

Sardar Mangal Singh (East Punjab: Sikh): He was not our representative. He was a nominee of the Government.

Captain Sardar Sher Muhammad Khan: This is what Sardar Ujjal Singh said there:

"If we don't ultimately come to a final decision among ourselves, I do agree that there is no other course open to us except that we should leave it to the Government to decide. The Government had in the past decided for the communities, and in future it is certainly the responsibility of the Government to make a fair and just decision on these problems."

This is what the representative of the Sikh community said at the Round Table Conference in my presence, and after discussing the question, he handed over the whole matter to the Prime Minister, and now this decision has been given. Apparently it does not suit the wishes of my friends, and so they say that they want to do away with the Communal Award altogether.

There is another thing, Sir. I feel very sorry for my friend, Pandit Malaviya, for the inconsistency he has displayed as a practical politician. He played his old stunt and did not grasp the full facts of the situation. My friend, Pandit Malaviya. . . .

Mr. Mohan Lal Saksena: On a point of order, Sir. Is the Honourable Member justified in referring to a gentleman who is not in this House?

Mr. President (The Honourable Sir Abdur Rahim): Pandit Malaviya was a member of the Round Table Conference, and he took part in it.

Captain Sardar Sher Muhammad Khan: I ask him, why does he forget? He was not only one of the signatories along with us, but the prime mover of the letter which was sent to the Prime Minister to decide the communal question. If the Pandit now knows that the Award is against him, there is no cause for grumbling. There is one alternative to end all this communal bickering, and, that is, we should sit together and settle among ourselves the communal question.

Mr. Lalchand Navalrai: Are you prepared for it?

Captain Sardar Sher Muhammad Khan: Yes, but one thing I have to request Pandit Malaviya, and that is, not to repudiate the settlement, as he usually does, after it has been reached.

Sardar Mangal Singh: May I know if any letter was signed by any of the Sikhs?

Captain Sardar Sher Muhammad Khan: I have read what Sardar Ujjal Singh said.

Sardar Mangal Singh: May I know whether that letter was signed by any of the two Sikhs?

Captain Sardar Sher Muhammad Khan: They were representing the Sikh community in the Conference.

Sardar Mangal Singh: I asked whether the letter was signed by them or not, and you have not replied to it. (Laughter.)

Captain Sardar Sher Muhammad Khan: As regards defence, I am rather surprised to see that not a single previous speaker has devoted any time to the defence of India which is a very important problem for India.

An Honourable Member: We leave it to you. (Laughter.)

Captain Sardar Sher Muhammad Khan: I must admit that the Joint Parliamentary Committee Report does not take us an inch further than the White Paper proposals. . . .

An Honourable Member: It takes you back.

Captain Sardar Sher Muhammad Khan: . . . or the Simon Commission Report. The problem of India is essentially a military one, because India is a land of many races. In Volume II of the Simon Commission Report, it is clearly stated that one condition of a self-governing India must be its ability to maintain, without aid of British troops, public peace and tranquillity. It is an astonishing fact that from time and again, Home Rule, Responsible Government and Dominion Status have been demanded, but it has persistently been overlooked that none of these political ends is possible until India possesses a strong and well disciplined Indian army, not only to maintain law and order within her own frontiers, but to hold back an invader until the rest of the British Empire can come to her support. The problem of raising a national army in India is not an easy one, for India possesses no common race, and I must confess, no common tradition. We are hopelessly divided into scores of communities and each community looks after its own interests. Out of 1,30,000 total strength of combatant ranks of the Indian army, more than 50 per cent are drawn from the Punjab. During the Great War, 50 per cent of the casualties were suffered by the Punjab alone. Thus, from a fighting point of view, it can truthfully be said that the Punjab province, including the North-West Frontier, is worth the rest of India put together. I agree to a certain extent with the Simon Commission Report that the formation of an Indian national army, drawn from India as a whole, in which every member recognises the rest as his comrades and in which Indian officers will lead men who belong to different races and in which public opinion will have general confidence is a task of the greatest difficulty.

Mr. B. Das (Orissa Division: Non-Muhammadan): Don't you want to lead European soldiers?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Captain Sardar Sher Muhammad Khan: Complete Self-Government without an effective Indian army is an impossibility. What shall we do to remove this difficulty? To remove this difficulty, I am of opinion that we should press upon the British Government to speed up the Indianisation of all the branches of the Indian army and to encourage, organise, train and equip military and naval forces of our own.

An Honourable Member: How do you do that?

Captain Sardar Sher Muhammad Khan: Before I conclude, I wish to say a few words to my Honourable friend whose name I forget, who said the day before yesterday, let the British leave India and we will settle it among ourselves.

An Honourable Member: Mr. Gadgil.

Captain Sardar Sher Muhammad Khan: Yes, Mr. Gadgil. I strongly support him, and I ask the British Government to stop functioning for a week, but not before the 1st April, because my Honourable friend, Sir James Grigg, has to present his Budget. Let the British Government stop functioning from the 1st April and let the British troops be confined in their own barracks, and let us fight and settle among ourselves.

A Few Honourable Members: Why should we fight?

Captain Sardar Sher Muhammad Khan: To fight and make our own Constitution. What will be the result? The result will be, there will be two special trains full of troops with governors-designate to each province and Nawab Muzaffar Khan, Captain Chaudhri Lal Chand and Sardar Mangal Singh making the Central Cabinet, and, of course, along with me as the Commander-in-Chief. (Laughter.) So long as we depend upon the British navy and army, I feel that it will not be wise for us to summarily reject the Joint Parliamentary Committee Report and give another chance to the die-hards who are anxious that we should be put to a further obstacle in the way of making the Constitution. I agree that the Report does not satisfy the aspirations of India, but, under the circumstances, at present, there is no other alternative for us save to work the new Constitution and demand for more. If the Congress Party will persist in its negative attitude, I can only say that it is not constitutionalism but constitutionalism with a vengeance.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. M. Asaf Ali (Delhi: General): Mr. President, after having listened to the somewhat mild sword rattle of the gallant and Honourable Member, who appointed himself the Commander-in-Chief of India but who unfortunately was still-born.

An Honourable Member: Who is he?

Mr. M. Asaf Ali: He is Captain Sher Muhammad Khan, the self-appointed Commander-in-Chief of India! I feel that the atmosphere of reality and futility which was proving far too depressing, far too unfortunate in this House, has really become worse than ever. My first question is addressed to the Government of the day, to the Government of the Governor General, which is irresponsible, unresponsive and irrevocable. With what object have you placed this motion before us? Is it with a view to eliciting our opinion? Is it with a view to asking us to express our opinion on something which His Majesty's Government wanted to take into consideration? If that is so, you ought to have placed this matter before us at a time when it was possible for us to effect any changes in the plan which the Joint Parliamentary Committee's Report contains and on the basis of which constitutional edifice is actually in process now on the banks of the Thames. You are asking us to take this plan into consideration.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Mr. M. Asaf Ali: I am addressing His Excellency the Governor General's Government through you. Well, you have placed before us this plan.

Mr. President (The Honourable Sir Abdur Rahim): That is not the proper form.

Mr. M. Asaf Ali: Well, the Government have placed before us this motion with a view to examining, with a view to analysing and with a view to finally passing our opinion on a plan on which the Government of India Bill is based. The Government of India Bill is being rushed through the Houses of Parliament. It is almost placed before us in the form of a *fait accompli*—something already accomplished, down to the 51st section of it. Is there any hope, I ask, of our effecting any change in it, either in the principles or in the details of it? If so, let us know about it now, so that we may speak with a sense of responsibility which is worthy of the object. I ask—is there any sense of responsibility being shown by anybody—except only to the extent to which we have listened to the speech of the Honourable Captain Sher Muhammad Khan? That is the only extent of the responsibility! I am perfectly certain that he is honest and he is earnest, in so far as his constituents are concerned, and I am equally certain that, if he were an elected Member, he would be equally honest and earnest to his constituents today. The fact remains that, while we are addressing ourselves to the details of a plan which is finished, which has no reality so far as we are concerned—and a very grave reality as far as His Majesty's Government is concerned—this is a wholly futile and wholly irresponsible debate. It is like the debate in a college or a school, which has no purpose, which has no consequence. My second quarrel with His Majesty's Government is this. If they intended that the elected representatives of the people should express their opinion on this report, with a view to their taking it into consideration in framing the Bill, they ought to have stayed their hand. On the contrary,

[Mr. M. Asaf Ali.]

they have shown a supreme contempt for the representatives of the people. They are now getting on with the Bill and there is no chance, no hope, that the Bill is going to be changed, in any way, according to the views of the representatives of the people. Perhaps it may be said by the Honourable the Leader of the House that the Bill is in its embryonic stage. True. But we know its heredity. We know its lineage. We know what parents it possesses, namely, the Statutory Commission which was universally repudiated and the White Paper which was rejected by this very House last year. If that is the heredity of the Bill, is there any chance of the hideous features of this embryo being changed, because we are going to express a different opinion here? Even those who assisted at its birth are not today prepared to take it unto their bosom. Those who attended the Round Table Conference have one and all rejected it as a monstrosity, a constitutional monstrosity, which no one on earth would be prepared to nurse. Then, in so far as the question of the opinion in the country is concerned, was there any doubt in the minds of any one, including His Majesty's Government, that the whole of this country had condemned it right and left, from the moment the proposal emerged in any form whatsoever? The Joint Parliamentary Committee's Report is the latest production, but there was an earlier production, namely, the White Paper, and both these documents, immediately after their emergence, lay under a Himalayan heap of condemnation, from one end of India to the other. Was there any doubt on the part of this Government or His Majesty's Government about this condemnation? Why did they proceed with this Bill? Why have they placed it before the Houses of Parliament? Why are they now rushing this Bill through? Even, in so far as the representatives of this Assembly are concerned, I find that there is not one, including Mr. Mody and the Honourable and gallant Captain Sher Muhammad Khan, who has a good word to say about it.

In one form or another, they all reject it, although they use the word "unacceptable".....

Mr. H. P. Mody: I did not use the word "unacceptable".

Mr. M. Asaf Ali: Then you accepted it *in toto*? I am glad to know Mr. Mody is the solitary exception to the rule.

Mr. H. P. Mody: I am afraid there are others.

Mr. M. Asaf Ali: There are some unfortunates of their kind and I am very glad there are some, because they are the dearest, I think, from the point of view of those to whom reference was made by Captain Sher Muhammad. Well, Sir, I was just saying that the sum total of all the amendments that have been tabled is "unacceptable". This is the pithiest expression which I can use—"unacceptable". Whether in one form or another, they have all called the proposals "unacceptable". That is only a negative form of the word "rejection". Now, why not straight away say that you reject it?

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): There is not a single word "unacceptable" in my amendment.

Mr. M. Asaf Ali: The Honourable Mr. Ghuznavi wishes to join the band to which I have already referred, Sir. Let him have the happiness of that. He will only make it two, he will not make it two hundred. All the amendments have the word "unacceptable".

Mr. A. H. Ghuznavi: My amendment has not that word "unacceptable".

Mr. M. Asaf Ali: Sir, turning to the Report itself, I should like to draw the attention, not only of this House, but of the entire world—speaking from the place from which I do—to a particular expression, a phrase or rather an opinion which has been expressed by the Draftsman of the Joint Parliamentary Committee in their Report. They say:

"There are moments in the history of nations when a way seems to be opened for the establishment between people and people of new relations more in harmony with the circumstances of the time, but when that way is beset by all the dangers inherent in any transfer of political power"—this is a little interpolation, but they might have left that sentence out—"such moments are a sharp test of political sagacity, of the statesman's instinct for the time and manner of the change. If that instinct fails, either from rashness or from over-caution, there is small chance of recovery."

Sir, with all the sense of responsibility which I possess, I am prepared to say that that moment did arise, but unfortunately His Majesty's Government were found wanting. They have produced something, they have offered something to India—this Report, these proposals—which will go down in history as the epitaph of the political sagacity of the British nation which may mark the grave of the British Empire. They may be proud to offer this scheme of a Constitution to us, but we assure them that we are thoroughly ashamed of this offer; and, perhaps, if they also felt as we do, they would have felt equally ashamed of this offer.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more to conclude his speech.

Mr. M. Asaf Ali: Sir, within the brief compass of fifteen minutes, it is difficult to summarise the work of one hundred and fifty years. It is difficult to sum up even one's opinion about these bulky documents, but there is only one word more, and I have done. I would ask His Majesty's Government one simple question. Were we not invited to sign the Peace Treaty at Versailles? Were we not made the original members of the League of Nations? And, is it not true, Sir, that under the convention of the League of Nations, no one could ever become an original member of it, or simply a member of it, unless that country was fully self-governing? If, Sir, according to this convention, we were then a fully self-governing nation at a time when you had just emerged from the war, at a time when the whole world was full of sentiment, then you perpetrated a fraud upon the entire world. (Hear, hear.) Today you are telling the world that we are not a fully self-governing nation, and that, therefore, you are legislating for us. Would you dare to do that for any other country which is even within the British Empire,—any self-governing dominion? Would you dare to lay down a Constitution for any other dominion under these circumstances? They were equally members of the League of Nations, they were equally self-governing dominions and we were a self-governing country. I know this Report says that to some the majestic

[Mr. M. Asaf Ali.]

spectacle of an Empire makes a tremendous appeal, a great appeal. True, perfectly true, but please remember that there are others who are your rivals, who are your enemies in the world who are watching you. Build up your majestic empire without exciting envy throughout the world! You never know which way the wind may blow some day! People are there watching you with green eyes of envy and jealousy. The last word, Sir, I shall address to my own countrymen who represent their constituencies here, and that is this. At a time when this Assembly did not have the advantage of the wisdom and experience of men like Mr. Jinnah, of the wisdom and experience of many other Members who are now present in this Assembly, it rejected, Sir, under your leadership, the proposals contained in the White Paper. Are we going to do something else today? Are we going to present the world any other spectacle today, when all the wise and experienced heads are here? Are we not going to tell the world—"we reject the offer of the British Government with thanks"? (Loud Applause.)

Dr. F. X. DeSouza (Nominated Non-Official): Mr. President, as the representative of the Indian Christian community, I rise to support the motion moved by the Honourable the Leader of the House. At the outset, I should like to make clear the attitude of the community towards the impending constitutional changes. It cannot be better expressed than in the words of the Archbishop of Canterbury in the recent debate in the House of Lords. The Primate stated that the Indian Christian community, numbering 6½ millions, was the third largest community in India. He had been in constant communication with the Metropolitan and other leaders and found no corroboration for the statement that Indian Christians were apprehensive. The great mass of the younger Indian Christians were eager for further Self-Government. Many declared that they would prefer no separate electorates and no guaranteed places in the Legislature, but would like to take their chance with fellow-Indians in the general constituencies. (Hear, hear.)

This, Sir, is the correct statement of the position. But doubts have been cast upon our attitude, for their own purposes, by diehards in England of the school of Sir Henry Page-Croft and Lord Lloyd on the one hand and by extreme nationalist politicians in India on the other. I shall not attempt to clear these doubts today. All that is necessary for me to say is that the last Assembly, by a unanimous gesture, accepted my contention, that though professing a faith different from the vast majority of our countrymen, we have, by our numbers, by our education, by our past services, earned a right to full citizenship in a self-governing India—a gesture which I have no doubt this Honourable House will fully endorse.

If the proposed Constitution was a genuine democracy, in which merit alone is the passport to opportunities for public service, we Indian Christians would ask for no special protection. But the Constitution has grouped the nation into isolated groups, who will live in a state of armed neutrality with each other, marshalled, so to speak, for an ignoble strife for jobs and patronage. In this state of things when more militant minorities are gradually elbowing us out of our rightful places in the Legislatures and public services, it is only right that we too should have our legitimate place in the sun defined before India becomes self-governing.

Unfortunately we had no opportunity to state our case either before the Third Round Table Conference or the Joint Parliamentary Committee. Thanks no doubt to our unshaken loyalty during the troublous times through which we have been passing, the Government of India thought they could conveniently ignore us. Prominent members of the Joint Parliamentary Committee to whom I forwarded the Assembly speeches on my Resolution have written to say that they greatly regretted that these speeches did not reach them before the evidence stage was concluded. It is for this reason, Sir, that I ask for the indulgence of the Chair to be allowed to state our case in somewhat greater detail than would otherwise have been necessary, as that is the only way I have of reaching the ears of Parliament.

One excellent result of the Joint Parliamentary Committee's proposals has been that their unfairness to our community has at last stirred us out of our lethargy and is gradually bringing together the two great sections—the Catholics and the Protestants—for joint political action. The United South Indian Christian Conference just held at Madras has passed the following resolution which I earnestly commend to the consideration of Parliament:

"This Conference regrets to note that notwithstanding the Resolution passed without a division by the Madras Legislative Council in April, 1933, the Indian Christian Community, has been unfairly treated with regard to its representation in the various legislatures and demands that the community be treated as regards weightage on the same principle as the other minority communities, particularly by virtue of its high literacy and its substantial contribution to the cultural and humanitarian service of the country.

(1) That in the First Schedule to the Government of India Bill the following alteration be made in the column Indian Christians:

Madras	— an additional 2
Bombay	— an additional 1
C. P.	— an additional 1
Sind	— an additional 1

the increase of five seats being added to the total of 250 for the Federal Assembly.

(2) That in the Fifth Schedule to the Government of India Bill the following alterations be made in the column Indian Christians:

Madras	from 9 to 15
C. P.	1
Sind	1."

My Honourable friend, Sardar Mangal Singh, complained the other day that the Sikhs in the Punjab were not given sufficient weightage, because, while forming 13 per cent of the population, they were given only 19 per cent of the seats in the Provincial Legislature, while Muslims, in the United Provinces numbering 14 per cent of the population, were given 30 per cent of the seats. What would he say to the Christian community in Madras numbering five per cent of the population being given only four per cent of the seats while the Muslims, numbering ten per cent of the population, have been given 14 per cent of the seats? Ours is the only minority community in India, which, instead of being given weightage, stands badly in need of additional leverage.

[Dr. F. X. DeSouza.]

The Indian Christian community is also greatly perturbed by their demand for incorporation of fundamental rights in the Constitution Act being turned down by the Parliamentary Committee. From bitter experience, we feel that it will not give us adequate protection if we have merely to rely on our legitimate interests being declared one of the special responsibilities of the Governor. Our interests have always been a special responsibility of the Governor since the memorable proclamation of Her late Majesty Queen Victoria. And yet, speaking in the House of Commons in 1834, Lord Macaulay could say:

"Englishmen who have held high office in India seem to have thought that the only religion which was not entitled to toleration and respect was Christianity."

Writing exactly a century later, Mr. Arthur Mayhew could say that under the East India Company Christianity was a disqualification for public office and that the transfer of sovereignty to the Crown had made little or no difference in our status. Speaking on my Resolution in July last, I said—and this Honourable House agreed with me—that the Government of India Order of 4th July, 1934, had sounded the death-knell of our hopes in the public services of the future and that the Government have been consistently treating us, to this very day, as if we were untouchables in the public life of the country.

Nothing has yet been done by the Government to implement the unanimous Resolution of this Honourable House regarding our claims. If this is the way Governors, vested with absolute power, have been carrying out their special responsibility imposed by Her Majesty's Proclamation, is it likely that we shall fare any better when the Governor can merely use his powers of persuasion with an autonomous Ministry? It has been our painful experience in the past that under political pressure and with a view to secure the good-will of the major communities, the Governor and the high officials of the Government find it more convenient to overlook the claims of small minorities like ourselves. The protection we seek is thus not so much against discrimination by the Ministry in power as against the *faincéance* of the Governor.

The All-India Christian Conference, assembled at Allahabad, repeated its demand that the fundamental rights of the minorities should be incorporated in the Constitution Act. Failing incorporation of our fundamental rights in the Constitution Act, I would respectfully draw attention to the following resolution of the All-India Christian Conference as embodying our minimum demand:

"That in the Instrument of Instructions to the Governor General and Provincial Governors and the Instrument of Accession of Federating States, reference should be made to Indian Christians as specially deserving of the protection of the Governor General, Governors and Federating Princes in the exercise of their religious, civil and political rights including adequate representation in public services, and especially the unrestricted exercise of their religion, including the right of conversion, the erection of churches and religious houses as well as the maintenance of educational, religious and charitable institutions."

Like all progressive communities we feel that the Bill is informed throughout with a sense of deep distrust of the capacity of the Indian people for Self-Government. Perhaps the realities of the Indian situation demand that in the interests of good government it would not be safe to grant full self-government. In the end we may have neither good government nor self-government. For want of time I do not propose to make

any reference to the omission of Dominion Status as our goal in the preamble to the Bill or to the proposed method of indirect election to the Federal Assembly on which our community feels very strongly. All that I need say is that the method of indirect election will send representatives to the Federal Assembly who will no more represent the electorates in the country than the three tailors of Tooley Street represented the people of England.

But, Sir, as one who has held judicial office for a long period, I should like to lay stress on the plea urged by Sir Leslie Hudson for maintaining intact the independence of the High Courts. For this purpose the administrative control of all High Courts should be vested in the Federal Government and not in the Provincial Governments as proposed in the Bill. The power to legislate on matters relating to the jurisdiction, power and authority of the High Court should not be transferred to the Provincial Legislatures. The powers of superintendence over subordinate courts should continue as now under section 107 of the Government of India so as to include judicial superintendence and should not be restricted to administrative control only as is done by clause 214 of the Bill. The appointment, posting and promotion of District Judges should be in the hands of the Ministry acting in consultation with the High Court and not with the Governor in the exercise of his individual judgment. And last, but not least, popular sentiment should be respected by refusing to throw open the office of Chief Justice to members of the Indian Civil Service. It is felt that the High Court, which is the one safeguard left for the vindication of popular liberties, will be weakened by this Bill while the safeguards for strengthening the executive are multiplied. Instead of being an independent branch of the Government, the High Court and subordinate judiciary, will tend to become a department virtually controlled by the Governor in the exercise of his individual judgment. But when

all is said and done there is no doubt that the Bill lays the foundation of a truly responsible government in the provinces. It is, to that extent, an advance on the present Constitution and a sign of goodwill on the part of His Majesty's Government. True, complete responsibility is hedged round by multifarious safeguards. But the working of the Irish constitution has shown how inefficient are paper safeguards against strong public opinion. No Governor,—and here I answer the question put by my Honourable friend, Mr. Joshi, as to what safeguards there are against an unreasonable Governor,—No Governor would care to exercise his veto in the teeth of united public opinion. If he does, the Ministry would resign and would almost invariably be returned to power. What then? There is the statutory power of the Governors to administer the province without Ministers. Does anybody suppose that the power will be exercised? How can the taxes be collected and who knows to what heights agitation will go? With modern facilities of communication, agitation will spread from province to province. Of course Government could be carried on by force but for how long? Behind the Ministry and the Legislature there will be the sanction of popular will, but the Governor will have no such sanction. These safeguards, which seem as strong as iron ropes, will snap as readily as silken cords under the pressure of strong, united and sustained public opinion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time limit.

Dr. F. X. DeSouza: I will finish in two minutes more, Sir.

The framers of the Bill were quite alive to this possibility. In a thoughtful article to the current number of the *Contemporary Review*, the Right Honourable Lord Meston observes:

"If then it is a fact that safeguards, even if placed on the statute book, can be made largely illusory, where does safety lie? As always in goodwill and goodwill alone."

But there should be goodwill on both sides. If Indian leaders are admonished to use their new powers with moderation, British administrators should show their goodwill by tacitly allowing the safeguards and reserve powers to fall into desuetude. If men of extreme views on either side hold power and ride for a fall, the Constitution will fall with them.

There are, Sir, at the present juncture grave problems affecting the masses calling for immediate solution. They are problems relating to rural reconstruction, village industries, unemployment, rural indebtedness. Competent observers are of opinion that if they are not solved soon, in a constitutional manner, the masses will take the solution in their own hands and inaugurate a Sovietised India. The old class of opportunist politicians working on the old bureaucratic methods will not be able to touch the fringe of these problems. An appeal is necessary to the emotions of the masses by politicians possessing dynamic force to rouse them from their helplessness and economic bondage to a consciousness of free citizenship. There is but one Party in the State, if recent elections are any guide, that can achieve this result by constitutional methods and that Party is the Party led by my Honourable friend, the Leader of the Opposition. I trust that he will not think me impertinent if I ask him, for the sake of the country we all love, not to reject the Constitution because of its many defects, but to accept it and work it for all it is worth. By so doing he will find that the Constitution will be elastic enough to bend without breaking under the pressure of the country's will. And, despite safeguards, special responsibilities and reserve powers, there will emerge, in course of time, by process of evolution, the status of a dominion Government which is our final goal.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, the ostensible object of the reform scheme, under discussion, is the establishment in India of a substantial measure of responsible government. I shall examine, during the few minutes at my disposal, what sort of responsible Government this country is going to get under the recommendations of the Joint Parliamentary Committee. Sir, in each of the eleven Governors' Provinces the Governor will be invested with very heavy responsibilities,—responsibilities, ordinary and special, and those to be discharged at discretion. And, co-extensive with these responsibilities, the Governors will enjoy large powers,—executive, legislative and financial. The Governors will have the right not only to pass temporary Ordinances, but also to enact permanent Acts on their own authority. They will have power also to restore grants refused or reduced by the Legislature. The Governors will be assisted by Ministers who will be chosen by him, not on considerations of capacity and character, but on considerations of race and religion. These Ministers will hold office during the Governor's pleasure and will be powerless for doing any good to their province; but their potency for mischief will be very great. In order to be able to keep themselves in office, the Ministers will be obliged to cringe before the Governor and the Members of the Services and they

will have to resort to an unfair distribution of the patronage at their disposal. Thus the whole public life of the province will be demoralised. The Legislature will consist of two Houses in the case of the larger provinces, and their Members will be returned by separate electorates. Now, it is well-known that separate electorates can never form the basis of responsible Government in this or any other country. Further, the proposed unfair distribution of seats in the Legislature for the different communities is sure to give rise to strife and illwill. The powers of the Legislature will be circumscribed in various ways, and in several directions the Legislature will be subject to the control of the executive. In order to emphasise the independence of the executive, an important dictum has been laid down by the authors of the Report. They say:

"That function of the executive is to govern and to administer, that of the legislature is to vote supply, to criticise, to educate public opinion and to legislate."

Not a word is said about responsibility of the executive to the Legislature. Now, this system has been described as "autonomy in leading strings" by a well-known newspaper in England, but a more appropriate description of it will be "executive irresponsibility".

Coming to the Centre, Sir, what do we find? We find that the position is even worse. The Governor General's responsibilities will be greater than those entrusted to the Governors and the powers with which the Governor General will be invested will be immensely larger. The burden of these responsibilities will be so heavy as to break the back of a superman; but as supermen are very rare in this world, the Governor General will have to rely, almost completely, on his Counsellors and the Members of the Services who will thus become the real masters of the situation. The Legislature at the Centre will consist of two Chambers, and in both the Chambers the elected Members from British India will sit side by side with the non-elected Members of the Indian States—a very curious arrangement. I do not know whether the two categories will fraternise with one another, but work is sure to be hindered. The executive at the Centre has been made, to a very large extent, independent of the Legislature. The Legislature will have very little control over the different departments of administration. Further, as the administration cannot be divided into water-tight compartments, the Governor General will be able to control the whole field of executive Government. The Ministers will become mere puppets, and their power for doing any good to the country will be extremely limited.

I come now to the financial arrangements. The proposals contained in the White Paper were perhaps a shade better than the recommendations of the Joint Parliamentary Committee. It is well known that the Second Round Table Conference decided that the bulk of the proceeds of income-tax should go to the provinces, and the Committees, which were subsequently appointed, made the same recommendation. But the Joint Parliamentary Committee observe that "for some time to come it will not be possible to do much more than to find funds for the deficit provinces", and they do not hold out any hope of a substantial portion of the proceeds of the income-tax being made over to the provinces. The result will be that, while large sums of money will be spent on the Army and the protected Services, the nation-building departments like Education, Sanitation, Agriculture and Industry will continue to languish for want of funds.

[Dr. P. N. Banerjee.]

The Secretary of State will continue to possess powers similar to those which are possessed by him now. There will be in reality no diminution in his powers, because the Governor General and the Governors will have to exercise their various powers in responsibility to him. Thus, the Great Moghal will continue to rule from Whitehall the destinies of 350 millions of the people of India. The Council of India, which has long been considered to be an anachronism, will be abolished, but in its place will be instituted an Advisory Body, one-half of which will consist of retired members of the Services who will always do their best to thwart the aspirations of the people of India.

These are only a few of the innumerable evil features of the new Constitution, and the impending reforms do not constitute any real transfer of power from the bureaucracy to the people of India. In some respects, these recommendations are retrograde *even* as compared with the present state of things. Indirect elections, second Chambers and the extension of the communal principle are instances in point.

I come now to the cost of this scheme. This scheme will involve something like 6½ crores. And where is this large sum to come from? No indication has been given in the Report as to the sources. If additional taxation is to be levied, I am afraid, that will only help to break the back of the poor people of the country.

Now, the question may be asked, who wants this costly sham? The Congress, whose goal is *Purna Swaraj* or complete independence, has rejected it. The Liberals also have rejected the scheme, and their great Leader, the Right Honourable Srinivasa Sastri, said, that it would be "impossible for them to give an atom of co-operation". Sir Samuel Hoare and the British Government know all this, and the Joint Parliamentary Committee also are not unaware of it. But the Joint Parliamentary Committee say that a body of central opinion has of late emerged in both countries which is in support of the scheme. As regards Central opinion in England, perhaps the Committee refer to the opinion which stands midway between the opinion of the conservative die-hards, on the one side, and that of the Labour Party on the other. But, I know of no Central opinion which exists in India at the present moment in favour of the scheme unless this opinion be the opinion of toadies and place-hunters who thrive on official patronage and who are ever ready to sell their country for small personal gains.

Sir, this House exists for reflecting the opinion of the people, and at this juncture it is incumbent on the House to make it clear to the Government of India and the British Government that the country does not want this scheme, and that if this Scheme, in spite of the protests of the people, is thrust upon them, it will, instead of bringing goodwill and harmony to the land, foster discord and bitterness.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, we are discussing this question today in an atmosphere of complete unreality dominated by pessimism. It is unreal, because we fully realise that anything that we say or do is not going to affect the Bill in the slightest degree. We fully realise—at least I do—that the Bill will

not be improved as we desire it. It may even be amended so as to affect us adversely. Therefore, Mr. President, I take part in this debate most reluctantly. We have been told by some of our critics that even at this stage we should put forward concrete suggestions or amendments. I am afraid those critics have not followed the discussions in this country and in England during the last four years: if they had, they would certainly not ask us to put forward concrete suggestions just now. Have not we had enough of concrete suggestions? There have been Committees appointed which have reported with English statesmen as members. There have been discussions in those Committees, and not one of the suggestions put forward by ourselves, and accepted by a majority of those on those Committees, has been accepted by the Select Committee, nor were they embodied in the White Paper. Therefore, to tell us that we ought not to condemn this measure but put forward concrete suggestions, at this stage, is really ridiculous. I was just looking through the debate that took place in this House in 1933 when we discussed the White Paper; and I find that I addressed this House—it must have been for more than fifteen minutes, for the speech is reported in eleven pages; and, after that, if we are asked to make concrete suggestions at this stage, it is just as well that we neglect the advice. I am one of those who believed, prayed and hoped, that if some of the suggestions made during the last three years and crystallised in that memorandum which you, Mr. President, had the honour to sign, would have been accepted, and, I think, I said even before this House—I certainly said it from public platforms—that if those suggestions had been embodied in the Bill, I felt certain that 80 per cent. of thinking men and women would have come forward to work the future Constitution, including my Honourable friends who sit along with us here. But, alas, instead of having even the whole lot of amendments we suggested being embodied, not a single one has been embodied in the Bill, and, I am sure, that neither my Honourable friends who sit on the Benches opposite, nor our friends in England are surprised that in India the Bill has met with very serious adverse criticism. It has been most unfortunate for this country that India has come within the sphere of party politics in England, and that has been one of our greatest misfortunes; for, I am confident, that if India had been kept out of party politics, the Bill would not have been so retrograde as it is. But while we have been out of the picture for the last many months, perhaps for over a year, statesmen in England have been squabbling over this Bill, leaving us expectant but disappointed spectators of their struggles and their party politics. It may be that we unconsciously have given certain of those statesmen, whom we now call die-hards, some arguments, but, I feel sure that many of those who have been strong opponents of His Majesty's Government in the House of Commons are not fighting this Bill entirely in the interests of India. Many of them are suspected to have their own axe to grind, and, therefore, let our friends in England not blame any of us—whether we wear no caps at all or whether we wear white caps—for the arguments that they have taken hold of from speeches made by some of us. If these safeguards are intended to safeguard this country against the so-called want of unity, may I ask whether it would be possible in a continent with a population of 380 millions to get absolute unanimity on a question so vital to its interests and to the interests of its many communities as the future Constitution? Unanimity is impossible. I realise sometimes to our shame that we do not have unanimity when it is possible; but to ask for unanimity in a country like India is an impossibility

An Honourable Member: It is an impossibility in any country.

Sir Cowasji Jehangir: and then to put in safeguards due to this want of unanimity is not playing the game. I am not going to criticise these safeguards in detail here. We had done so *ad nauseam*. What we desire to point out is, that we feel, honestly feel, that while some of those safeguards may have been suggested by ourselves due to the exceptional conditions in this country, the other safeguards are bound to lead to deadlocks, that these safeguards bring into this Constitution the human element to an extent which makes success impossible; and to add to our troubles we find a new phrase coined in the Bill which is "individual judgment". We are going to be subjected to the individual judgment of all the Governors in this country and of the Viceroy, and that means that each Governor of each province will govern India according to his own individual whim, that in one province the Governor may use his safeguards and in another he may not, and in each case it will be his own individual judgment. If that is going to be our fate, let us clearly, unequivocally and in the most respectful language inform our friends who are framing this constitution that they do it on their own responsibility, that we shall take none, that if it fails it will be their fault, if it succeeds nobody will be more pleased than ourselves and we shall give them full credit; but let them not come forward in the future and blame any school of thought for having encouraged them to frame a Constitution of this sort. We want to be exonerated from all responsibility and from all blame. We have made our suggestions: we have done our best to help them; our suggestions have been framed by men who are moderates: they have been all rejected. The responsibility is His Majesty's Government's and Parliament's: we take no responsibility of any sort whatsoever. But while saying this, Mr. President, I do not agree with some of my friends who have come to conclusion that the future Constitution, as visualised in the Bill, is absolutely no advance on our present condition. It is an advance, and that is my personal conviction,—it is an advance,—but as I have already explained, it is an advance that by no means meets with our approval. It would be foolish to reject any advance that is given. It is through the failure of such a Constitution that Government will be forced into a constitution which will be a workable constitution, one which will be acceptable to the whole country, but this negative policy of saying: "We shall do nothing at all, leave us as we are", is not one to which I could give a willing assent. I do believe, that this Constitution will fail due to many of its bad features, but every one of those failures will be a stepping-stone to a further advance in the Constitution of this country. Every one of those failures can be taken advantage of by us if we will only take things more seriously than we have been doing. We want men of experience, and we shall get those men of experience; but if we neglect the opportunities that come to our hands, however small they may be, however insignificant they may be, we shall fail to advance the interests of our country. If we reject the Constitution, and suppose Parliament acts on our wishes, I am one of those who believe that we shall struggle on for another few years and get offered to us something very much like what we are offered today, but,—let them pass this Constitution against our wishes, against our warnings, let them pass the Bill, and we will show them that we were true prophets when we suggested to them various amendments to make the scheme more acceptable.

Now, Sir, there are many things one can say on an occasion like this, but there are many things better left unsaid. We have been unfortunately

victims of party politics in England which has taught us a lesson which some of us will never forget. I am not one of those who are supporters of independence.

An Honourable Member: What are you then?

Sir Cowasji Jehangir: We have claimed for this country the same position as any free dominion has within the Empire, and we have been led to believe that that was our goal. If England now repudiates that pledge, all I can say is that the seeds of equity and justice which she has sown in this country will be uprooted by the present generation of Englishmen whose word will not be relied on in the future and whose assistance will be rejected with scorn. I feel confident that there is no one in this House, whether he be on the Government Benches or in the European Group, who will not stand by us in obtaining from the Mother of Parliaments that pledge and that assurance that this country's goal is,—do not call it Dominion status if you don't choose to call it so,—equality with any Dominion in the British Empire, and if we all stand together, I am certain that we can get such a pledge

An Honourable Member: You just said that unanimity was impossible.

Sir Cowasji Jehangir: I am certain a demand for such a pledge will be met

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Sir Cowasji Jehangir: This is all I have to say.

Mr. Deep Narayan Singh (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): Sir, I rise to support the amendment of my friend and Leader, Mr. Bhulabhai Desai. After all that I have heard and all that I have read in the press about this Joint Parliamentary Committee's Report, it is inexplicable to me, Sir, why the British Government are so anxious, so determined, to plant it on our unwilling heads. Surely they are aware that almost every political organisation in this country has denounced it as bad, reactionary, and retrograde, and, therefore, unacceptable. Sir, by a strange irony of fate, we find ourselves today on the same platform as the die-hard elements of the Conservative Party in England,—true,—for different reasons, but the fact remains that today Mr. Winston Churchill and Mr. Desai are both striving, in their own manner, to bring about a decent burial of the Government of India Bill. It is a strange situation and needs looking into. I honestly think, Sir, that the time has come when there should be plain speaking between the British Parliament and the elected Members of this House (Hear, hear),—plain speaking, Sir, without cant or camouflage on either side. We, Sir, have laid all our cards on the table. We have enunciated our rights,—our right to freedom,—our acknowledged right of India's self-determination, our inherent right to guide the destinies of our motherland, according to our own lights, even, Sir, to make mistakes and correct them in the light of experience. We have formulated our demand,—our one and only demand, our maximum and minimum demand,—the transfer of power from British hands to our hands. Sir, are we not, in

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all fairness, entitled to equal frankness from the English people? Do they admit our rights? Are they willing to concede our demands? Sir, if they do, I see no difficulty why we should not meet, here in India, as equals and friends, and explore and devise ways and means that will bring about this transference of power with, as little jolt or jar as possible, to the other side. But this Parliamentary Committee's Report does nothing. It does not clear the ground for common action and will not satisfy any section of nationalist India. Sir, these questions need to be definitely answered before we can meet and discuss the future of India. If England says yes, I am sure, even today, she will find India's hand of friendship stretched across the seas, willing to give and take, willing to guard British lives and British property even as her own, willing to learn by their political experience and teach out of her ancient wisdom. But if not let them say a definite no.

An Honourable Member: They have said so.

Mr. Deep Narayan Singh: Let them say a clear and definite no. We shall be sorry, but it will be a satisfactory answer and we shall know where we stand. This hesitation, this evasion, solves no problem.

Time does not permit me to place before the House a detailed criticism of this Bill, but I assure you that there is not a single political organisation of any importance which is willing to accept this. I do not wish to take up further time of this Assembly by going over the same ground that has been gone over by my predecessors; but, Sir, I have read the Bill carefully. I have read the Joint Parliamentary Committee Report, and I am constrained to say that I find the Bill as based on the Joint Parliamentary Committee Report as both a sham and a camouflage. I will not discuss the details of that Bill, but I will refer you to the great speech of the Leader of my Party, Mr. Bhulabhai Desai and you will find that every argument in his speech goes to support my conclusion and my opinion of this Bill. (Applause.)

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I ask the indulgence of this House for a few brief moments to place a personal view before it. I am so near the end of my term of office that I venture to hope that what I may say will not be regarded merely as the expression of a purely official point of view. I am making an honest endeavour to suggest a practical answer to the question of the moment, an answer which I hope will bring the country to its ultimate goal more quickly and with the least possible travail and suffering. Prejudice and sentiment are inevitable accompaniments to the consideration of this question, whether in India or in England; I know that we cannot get rid of either. But, Sir, if we in this House are to give clear lead to the country on this momentous issue, then, I say, that it behoves us to weigh in a just balance, fairly and squarely, all the arguments both for and against any proposed course of action. I am not debating the question whether the scheme of constitutional advance envisaged in the Bill is good or bad, whether it is possible at this stage to induce any substantial alteration of its terms or not.

I, Sir, am concerned with the larger question which has emerged during the course of this discussion in the Assembly, the question of rejection which is advocated by certain sections of this House. I ask myself this question. When we have finished making our gesture, when

we have finished rejecting this Constitution on the floor of the House, when we have finished tearing it to pieces and scattering it to the four winds of heaven, as a speaker said the other day, when we have finished venting our anger, our disappointment, our indignation, what then? What is to happen to constitutional advance in this country? What is the practical object which the advocates of rejection desire to achieve by following the policy which they are now advocating? Let me place before the House my view of the consequences and the effects which must follow rejection. A dispassionate examination of those consequences and results will alone show what is the correct policy for this country to follow. In my view the advocates of rejection can look forward to three possibilities, and as far as I can see, to no other. In the first place, the advocates of rejection may feel that by now rejecting something which is unsatisfactory, they might be able to attain something more satisfactory through the pressure of direct action. That is a possible view. But, Sir, I cannot believe that with the experience of past history before us there will be many serious apostles of direct action. It has been tried, it has failed, it has been abandoned. (Interruption from Congress Party Benches.) Its failure is not the verdict of its opponents alone; its failure is admitted by its advocates who have abandoned a weapon which bitter experience has shown to be useless and powerless, in the form in which it was used, against the forces arrayed in opposition to it. (Interruption from Congress Party Benches.) I cannot believe that there are any who still pin their faith to that means of attaining their political goal. We may, therefore, Sir, I think, take it that the advocates of rejection do not hope to attain something better through the pressure of direct action.

I come then to a second possibility. It is conceivable that there may be some who think that rejection by itself will bring the offer of something better from His Majesty's Government and the British Parliament. It is not inconceivable that if rejection were complete, if it extended to every nook and corner of this country it might give cause for serious thought, but, Sir, let us make no error about it. Let us be under no delusion. However strong, however widespread the feeling that the reforms envisaged in this Bill fall short of national aspirations, those reforms will, in practice, be worked by the large majority of people in this country, and they will be worked in the honest belief that in that way alone lies the possibility of the full fruition of this country's hopes and desires. Sir, in those circumstances, rejection becomes an empty gesture, theatrical, if you like, but meaningless, purposeless, fruitless. There is a third possibility. Rejection may be advocated in the hope that perhaps a change of Government in England may result in this country getting something better. (Cries of "No".) Sir, are we to order the affairs of a nation on the principle upon which Mr. Micawber ordered his own domestic economy, on the principle, namely, of waiting for something, we knew not what, to turn up? There is absolutely no guarantee what that something will be, when and if it turns up. Are we to wait for five years, it may be ten years, it may possibly be 20 years, in the hope of some better fortune befalling this country? Are we to allow the energies of this country for an indefinite period to be drawn away from constructive work which is calling loudly and insistently to be done and are we again going to concentrate the energies of this country on politics, on sowing the seeds of bitterness and strife between race and race, between community and community.

Mr. Ghanshiam Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadian): May I put a question?

The Honourable Sir Joseph Bore: Please don't interrupt.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on. Mr. Gupta can put his question after the Honourable Member has finished.

The Honourable Sir Joseph Bore: I personally can think of no course which is fraught with so much danger to this country as a postponement of reforms, indefinite in point of time and without any guarantee whatsoever as regards their ultimate character. Now, Sir, if this is all that we can hope for by rejection, if these are the only hopes which inspire the demand for rejection, and, I submit, there are no others, then I venture to say that it would be utter folly to reject this Constitution. There is no practical alternative to working the Constitution and working it, not in the spirit of the wrecker but, in the spirit of one who desires to make the most of it for the good of the country and for the establishment of more cordial and better relations between Great Britain and India. In the establishment of those relations appear to me to lie the most fruitful possibilities of the hopes and aspirations of this country being fulfilled within a reasonable measure of time. Now, Sir, I will say just a few words in regard to safeguards. No one denies that they are wide and extensive in character. But let us be honest and fair. Who is really responsible for these safeguards? Is it not those who have spoken so loudly in the past of expropriation, of confiscation, of repudiation? Or, again, Sir, who but ourselves are responsible for the fear and the demands of our own minority communities? I venture to think that this Constitution, which today is being criticised by every shade of opinion in this country, is the direct and logical consequence of what has been said and done in this country for the last few years. But, Sir, that is a barren theme to pursue. I prefer to look to the future and my view is, that these safeguards will only be used if the representatives of the people who work the Constitution work it with a deliberate intention of forcing their application in practice. I would like to read a passage from the Joint Select Committee's Report in regard to commercial safeguards, which I think bears out that view. It runs as follows (Page 205):

"It should be made clear that the imposition of this special responsibility upon the Governor General is not intended to affect the competence of his Government and of the Indian Legislature to develop their own fiscal and economic policy; that they will possess complete freedom to negotiate agreements with the United Kingdom or other countries for the securing of mutual tariff concessions; and that it will be his duty to intervene in tariff policy or in the negotiation or variation of tariff agreements only if in his opinion the intention of the policy contemplated is to subject trade between the United Kingdom and India to restrictions conceived, not in the economic interests of India but with the object of injuring the interests of the United Kingdom."

An Honourable Member: Please read further down.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Who will be the judge of that?

The Honourable Sir Joseph Bore: The success or failure of the Constitution depends upon the spirit in which both sides come to their task. If either side is determined that this Constitution shall fail, failure

is only a question of time. If both sides are determined that it shall succeed, then, Sir, success is assured. So far as Great Britain is concerned, I venture to submit that she is bound to do all she can to further the success of the Constitution, for it is her own creation and if we can work it in the right spirit, then we may be sure of a co-operation, which in its turn will ensure the success of the Constitution. Let me, Sir, describe what that right spirit should be in the noble words of that great American, Abraham Lincoln—with malice towards none, with charity for all, let us strive on to finish the work we are in; to bind up the Nation's wounds; to do all which may achieve and cherish a just and lasting peace among ourselves,—and, I would add, with that Nation with which our fate is inextricably linked.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): I rise to address this House neither as a glorified Nominated Member nor a vilified one. Sir, I rise with equal rights, as any other Member of this House, to express my opinion in all honesty of conviction and to cast my vote as my conscience directs me, and I may tell this House and the debates will bear testimony to the fact that I do not slavishly follow Government into the lobbies. I express myself freely, and, I hope, I shall always do so.

Sir, before I deal with the important matter before the House, I desire to offer my hearty congratulations to the Leader of the Opposition for his very excellent speech. The speech of my Honourable friend, Mr. Bhulabhai Desai, was so reasonable, so controlled, so eloquently delivered, that the whole House owes him a debt of gratitude, for he elevated this debate to a status that I do not think anyone else has equally done and I also think Government owe him a debt of gratitude. Sir, as one of the three Members in this House who had the privilege—the others being Mr. Ghuznavi and Mr. Joshi—to attend all three Round Table Conferences and the Joint Parliamentary Committee, I feel I can talk with some authority and knowledge. But I submit, Sir, before I make any further statement, that if those three Round Table Conferences and the Joint Parliamentary Committee had Mr. Bhulabhai Desai as one of its members, I feel sure, we would not be here today discussing this very heated question. I do believe that the sentiments he has expressed in his speech would have carried more weight with the Members of the British Parliament and Cabinet, who composed these Conferences, than those of almost any other Indian member who attended the Round Table Conferences and the Joint Parliamentary Committee (Loud Applause), and I say this with every sense of responsibility and conviction. I do believe that had he been present we would have today found ourselves marching onward, hand in hand, on the road of India's progress and much nearer to Dominion Status, instead of haggling over details and discussing a variety of amendments such as we are doing today. But, Sir, much as I regret Mr. Bhulabhai Desai's absence there, I do think that this House has benefited much from the Leader of the Opposition's speech.

Before I deal with one or two of the more important aspects of the Joint Parliamentary Committee's Report, I should like to take this opportunity, on behalf of the community,—a minority, a small minority—that I represent in this House, to offer my sincere appreciation and thanks for the generosity with which I was treated, as its spokesman, at the three Round Table Conferences and the Joint Parliamentary Committee by both my

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Indian and European colleagues. There are just one or two matters which I must take this opportunity of referring to with a hope that the Leader of the House will transmit any views to the proper channel. What we really do want, Sir, is some alteration of the allocation of the four seats that are given to the community in this House. To allocate those four seats specifically to four Provinces is to throw out of electoral count all the other Provinces in India including the members of the community who reside in these excluded Provinces. I should like the Honourable the Leader of the House to realise that we feel that these four seats should be so apportioned over all India as to afford every member of the community a chance of sitting as a Member in this House and not confining the election to these four Provinces. Might I briefly tell him what I want? The Bombay seat

Sir Cowasji Jehangir: Are you following the Leader of the Opposition's advice?

Lieut.-Colonel Sir Henry Gidney: The Honourable Baronet from Bombay must surely realise that I did not interrupt him once when he spoke, and I ask the same courtesy from him. The Bombay seat to include Sind, Baluchistan, the Central Provinces and Rajputana. The Madras seat to include Bangalore and other assigned territories. The Bengal seat to include Assam and Bihar and Orissa, and the United Provinces seat to include the Punjab, the North-West Frontier Province and Delhi. Such a distribution would really encourage a development of political conscience in the whole community. Sir, regarding the franchise, I have one small observation to make. Considering the fact that there are nearly twenty-thousand of my small community who are today unemployed and considering the fact also that property is to be the main qualification for the franchise, I would ask the Honourable the Leader of the House carefully to note that it is our desire that the right to vote should be given, if not to all active members, at least to the retired members and widows of the Indian Auxiliary Force as is to be given to retired members and widows of the Indian Army. We also press, Sir, for greater clarity regarding the phrase "existing—grants-in-aid" as applied to Anglo-Indian and European education and the definition of an "Anglo-Indian".

Just one word about the retrocession of certain assigned tracts. I refer particularly to Bangalore. My personal view is that the community would not in any material way suffer from this retrocession, but, I feel, as its representative in this House, I must express the apprehension of certain sections of the community, especially those resident in Bangalore itself, and I would, therefore, ask the Government of India, before they proceed any further in this matter, to take the residents into their confidence and to frankly place their cards on the table, so that both sides will know what is going to happen and both sides will have an opportunity of expressing their views. Property rights must be respected.

Sir, before I go any further, I wish to refer to a point that was raised by my friend, Mr. Asaf Ali, in which he questioned the lineage, the strain and heredity of the Joint Parliamentary Committee Report that we are discussing today. Sir, none will deny that there is no report (as my Honourable friend, Sir Joseph Bhore, rightly pointed out) that will satisfy everybody. No one can expect that satisfaction. Otherwise we would

not have our different Parties in this House; but, I ask, how could anyone expect a Report like this to satisfy all parties either in England or in India when it has such an extraordinary lineage? Sir, to begin with, it suffers a color, for it has changed from white to blue and again to white. (Laughter.) Its lineage or pedigree can be traced like a race horse to the grand-parents. The grand-parents of this Report were "White Paper"—out of "Labour Government"—by "Mr. Wedgwood Benn". The parents—"The Government of India Bill" out of "National Government", by "Sir Samuel Hoare aided by the diehards". I ask, how can you possibly expect any Bill with such a multiple lineage to satisfy every party? (Laughter.) Sir, the point is that that Bill has a birth of such extraordinary mixture that no one, not even Government, can feel satisfied with it, and are we surprised at the number of amendments that have been placed before this House? I certainly am not.

Sir, I now desire to take up just one or two particular points. In the admirable speech of the Leader of the Opposition, he played about and flirted with that word "religion" and in emphasising it he offered it as the chief reason why his Party had refused to question or to express any opinion on the Communal Award. I think he was quite right in the line he took. But, surely, he cannot deny the fact that religion cannot be ignored in the settlement of anything in this world today. Why, even Mussolini in Italy and Hitler in Germany in all their settlements have had to bow their heads in respect to the "religion" that comes from Rome, and, surely, it cannot be denied, Sir, that religion does play a great part in all political settlements and does play a great part in the settlement of this great Indian problem. So, let us face facts and not camouflage them.

The Communal Award has rightly been left alone by the Congress Party, but for quite another reason. Unfortunately, some Honourable Members like my friend, Mr. Fuzlul Huq, and our big brother, Maulana Shaukat Ali, and Bhai Parma Nand stressed this matter and I am, therefore, constrained to say a few words on it. It is no use blaming the British Government or the Prime Minister for having given the Communal Award when the blame lies at our very doors. We sat for hours and hours and weeks and weeks at the Round Table Conference trying to come to an amicable solution amongst ourselves, but we utterly failed. We had with us as a colleague at the second Round Table Conference that great man, Mahatma Gandhi. We had the advantage of his opinion, of his daily attention and his advice, but we utterly failed. It was then at Mahatma Gandhi's personal request to the Prime Minister that he himself undertook to settle the question of the Communal Award. I had the pleasure and honour of being a member of that Committee which sat for a week and myself took down the proceedings of that Committee, and yet we utterly failed. And what was the reason of this utter failure? Because we could not and did not trust each other. It was demonstrated in clear and unequivocal language at that Round Table Conference that there was no mutual trust among ourselves and that there was no common factor to level up or harmonise differences and demands of the different communities that assembled in that Round Table Conference. Whenever we put forward suggestions for settlement, we were told by Mr. Gandhi—and I say this with all respect to him and my Congress friends on the opposite Benches—that the Congress mandate is this: "I am prepared to accept any communal settlement you come to, provided it meets with the unanimous approval of all the communities present". Now, none will deny this mandate was impossible of fulfilment. I remember well the

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part that Mr. Fuzlul Huq took in those negotiations. He called my friend, Mr. Ghuznavi, a die-hard in it. I say he was himself a die-hard of die-hards. He cannot forget the many confidential meetings that we held at that time. As a bait to Muslims, 13 out of 14 of Mr. Jinnah's points were promised acceptance by Mr. Gandhi provided the Muhammadans accepted a common electorate. But there was no desire to recognise minority communities such as the Indian Christians, the Europeans or the smaller community, the Anglo-Indians. Mr. Gandhi positively refused to recognise these communities. The only two communities, he as the Congress representative, was prepared to recognise, were the Muslims and the Sikhs. My friend, Mr. Fuzlul Huq, played a great part, but, to the eternal honor of Muslims, he it said, these overtures were refused. And, so, the failure of any Communal Award on this momentous occasion was entirely due to the obstinacy of my friend, Mr. Gandhi, who openly claimed himself to be the representative, not only of the Congress, but the whole of India. So, what is the use of saying that at the second Round Table Conference there were no real representatives of India. If you say that, then you disclaim and discredit the *bona fides* of Mr. Gandhi, and, Sir, I have too great a regard and respect for that great man who, I am sure, had this impossible mandate from his Party. The fault and the failure lie with us. The British Cabinet and His Majesty's Government in the voice of the Prime Minister had no alternative but to lay the first foundation-stone of a Federal Government, by declaring the Communal Award. That Communal Award has been before the public for all this time. Has any serious effort been made to come to a compromise? In this very meeting here today when my friend, Captain Sher Muhammad Khan, was discussing the rights of minorities and their safeguards, one of the Members on the opposite side replied that he was "hoping against hope". Now, what does all this indicate? I am sorry to say so, but it only indicates that there is still mistrust among us. I, therefore, say, in common with all the other minority communities, that much as we should like to share our labours with our brethren on the other side and in the achievement of Dominion Status work hand in hand with them, necessity compels us to ask for adequate protection from the mother-Parliament in the shape of the safeguards as adumbrated in the Joint Parliamentary Committee Report. Even that protection, Sir, I submit, is today not adequate. Look at the feeling of unwisdom—the unreality this House showed towards that most important matter, the Indo-British Trade Agreement, when it rejected it. What good-will does that show to England in whose hands the fate of this Bill lies? Is the future of India's commerce and the prosperity of India to be mortgaged and sacrificed by such a decision—the Congress responses to ridiculous sentiment and purblind prejudice instead of to intelligence and India's benefit? I feel, I must sympathise with my Honourable friend, Dr. DeSouza, when he said, he considered that the safeguards for his community were not adequate. Sir, the operation of safeguards comes very prominently in the future of all minorities especially in the event of a weak Governor refusing to use the safeguards as adumbrated in the Instrument of Instructions and which, I understand, will be hallowed by Parliamentary sanction and which cannot be altered without Parliament having a voice in it. He may, in the interests of peace and harmony, not like to disagree with his Cabinet. Judging from today's debate, on behalf of the minority communities, I am, therefore, reluctantly compelled to ask that our safeguards be statutorily protected and we should be given in clear and specific terms the line of action that is open to us for redress or appeal, should such a position develop.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable member's time is up.

Lieut.-Colonel Sir Henry Gidney: Government, i.e. both the Governor General and Governors should be given the executive power to put those safeguards into practical operation. Sir, I have very little more to say except to add that my fear and my anxiety for asking for safeguards and their practical operation is due to the repeated exclusion of the minorities from the consideration of the Congress Party. One has only to read the pages of the Nehru Report to find that no community below a certain strength is to be recognised as such. I, therefore, look upon "safeguards" and the Communal Award that have been given us in the Joint Parliamentary Committee Report as the two great and essential foundation stones on which alone, the future of India could be built. I only hope that the time is not far distant when we will be able to arrive at an amicable settlement. Indeed, I would pay my humble contribution to anyone here who will make a serious effort in that direction. Mine will be a very small contribution, but let me assure the House that I will give it very gladly and entirely, so that we may be able to show unitedly to the British Government that we, as a nation, are capable of taking a larger measure of responsibility than is to be found in the pages of the Joint Parliamentary Committee's Report, and, I believe, that the Members of the European Group will do the same. But you—the Congress Party—cannot have it all your way. You must remember that besides yourselves there are others—the minorities, the total number of which will even outnumber you, whose interests must be considered and assured. Therefore, in your slavish desire to carry everything before you by the weight of numbers, you cannot and will not be allowed to ignore the will and the wishes of those who are equally entitled to the protection of the British Government in the shape of adequate safeguards.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time-limit.

Lieut.-Colonel Sir Henry Gidney: Let us learn to trust each other, for trust begets trust and mistrust, even a veneer of it, engenders mistrust. Our future lies in this, and not in safeguards.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I will touch only a few salient points and will devote the rest of my time to the question of the Statutory Railway Board which has not been mentioned by any of the previous speakers. Sir, I do not want to deal exhaustively with the question of the Communal Award, but I may be permitted to make reference only to one point. I am afraid that the Honourable the Leader of the Opposition, when he advocated his policy, did not exactly appreciate the real situation. He did not appreciate the problem when he advocated that we should have acquisition first and distribution afterwards. It is not the question of acquisition and distribution, but it is the question of devising a method by means of which the majority community may remove suspicion, uneasiness and nervousness, from the minds of the minority communities whom the majority community was going to rule. He and the other leaders implicitly accepted the Communal Award in the Poona Pact. They did not tell the depressed classes: "Acquisition first and distribution afterwards". But they

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applied their mind and devised a method for allaying the feelings of uneasiness from the minds of the depressed classes. Had they applied their mind to solve the problem in 1930-31, I am positive that this Bill, which is now before us, would have been somewhat different. Sir, in discussing the question of the Reserve Bank Bill, I mentioned several types of intoxication and I just mentioned that we ourselves and the British Government are both suffering from intoxication. The British Government is suffering from the intoxication of the fourth type, due to having a majority in their pockets, and we are suffering from the intoxication of the fifth type, due to hopeless division among ourselves, and, it is on account of these intoxications, that we fail to understand each other's point of view:

"A sleepy person cannot wake up the other sleepy person."

Now, Sir, coming first to Provincial Autonomy, I might mention that there is nothing of autonomy about it. I have in my hand the comparative statement of the powers given under the present Government of India Act and in the new Act, and I have come to the conclusion that it is certainly better than what we have at present. But, coming to the Centre, the position is somewhat different. It was repeatedly said in the last Assembly that this Assembly is a debating society, but, under the new Constitution, I think it will be a League of the Provinces. A humourist once described the League of Nations to be a pleasant club where one could go in whenever one liked, and come out whenever one liked. The same will be the case with this League of the Provinces in the coming Federation. There will be some permanent members of this League and there will be some other members who might join the club and become casual members for certain purposes only. They might become members of the club for playing bridge or tennis only.

I have to make, Sir, few observations on the present scheme. The first point is the question of indirect election. I read very carefully the Joint Parliamentary Committee Report and all the points brought out there, but I am afraid they have not appreciated two points in connection with indirect election. They have practically confused the issue. The issue is not which of these methods is most practicable or which of the methods would naturally lead to adult franchise, but really they have by this indirect election transferred the objective of representation by the people to representation by Government. The future Assembly will not be the representative of the people of India, but it will be the representative of the Provincial Governments and all the questions of taxation debated in the new Assembly will be discussed from different angles. When we come to this Assembly, as the representatives of the Provinces, we, at each stage, will discuss that the taxes on a particular commodity should go to the Provinces, and not to the Central Government. I will have to press, to be true to my constituency, which will be the Local Government of the United Provinces, on each and every occasion that the sugar duty should go to the United Provinces and should not be pocketed by the Government of India. I may perhaps join hands with my friends from Bengal and fight that the jute duty should go to Bengal and not to the Government of India. Therefore, by this method of indirect election, we will transfer the representation of the people to the representation of the Government, and when questions about taxation are discussed in the

future Legislature, there will be great confusion and we will not be representing the interests of the tax-payer, or the interest of the people, or the interests of the consumer, but we will be representing the interests of Local Governments who would be our electorate. The second difficulty which the Joint Parliamentary Committee Report has not visualised; when it advocated indirect election, is this. I carefully looked into the Report and though it is not explicitly provided in the Act—I hope it will be provided for—whenever a person becomes a Member of the Central Legislature, he cannot remain a Member of the Provincial Legislature. What would be the position? A person who will seek election to the Central Legislature will first find a place in the local Legislature, so that his election might be ensured. Because those who are already Members of the Provincial Legislatures will have better chance of being elected to the Central Legislature than those who are remote. Consequently, most of the places in the Provincial Legislatures will fall vacant on account of the Members seeking election to the Central Legislature and fresh election will have to be ordered for all those Members who have been elected to the Central Legislature from the Provincial Legislatures, and this will involve a great deal of expenditure and unnecessary delay. I am afraid both these points have not been visualised by the framers of the Joint Parliamentary Committee Report, nor by the framers of the Bill now before the Parliament. These are the two important points which ought to be considered in connection with indirect election.

There is another point about the co-extension of the powers to the Upper and the Lower Houses. I believe that no Britishers would agree that the House of Lords should enjoy the same powers as the House of Commons. If they do not agree in their own case, why should they thrust these things upon us, namely, that the Upper House should have the same powers as the Lower House?

"What you do not like for yourself, do not thrust it upon others."

Sardar Sant Singh (West Punjab; Sikh): Do the Englishmen like foreign rule as they do here in India?

Dr. Ziauddin Ahmad: I would leave that point to be developed by my Honourable friend when he rises to speak.

Now, coming to the question of Federation, I would have very much liked the Simon Commission Report that we should have our own Federation for British India and let the princes look after themselves. I believe they are powerful and they are capable of looking after themselves and they ought to be the last people to demand any weightage in this Legislature. A weightage of about eight per cent. is given to them; it is provided that if half the number come in the Federation, then half of the remaining seats will be distributed amongst them, and, in this way, their weightage will rise to about 15 per cent. I think this weightage of 15 per cent. of the seats to the princes is very unreasonable. They are the minorities who require protection.

I now come to the question of the Statutory Railway Board. We were always under the impression that the Government of India would give opportunity to this Legislature to discuss the Report which was framed

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by a Committee sitting in London. I had the good fortune or the misfortune to be a member of that Committee and I also signed this document, and even this modest document has not been given effect to in the Bill before us.

Mr. Lalchand Navalrai: Did you sign it against your wish?

Dr. Ziauddin Ahmad: I did not agree to some provisions. We put in a very special clause and it is not in the Bill. That clause runs:

"The Federal Minister, responsible for Transport and Communications, may at any time convene a special meeting of the Railway Authority for the purpose of discussing matters of policy or questions of public interest. At such meetings the Federal Minister will preside. The Federal Minister may by order require or authorise the Railway Authority to give effect to decisions of the Federal Government and the Legislature on matters of policy and it shall be obligatory on the Railway Authority to give effect to such decisions."

This is really one of the very important recommendations which I do not find in the Bill. I have read the provisions relating to the Statutory Board in the Bill about half a dozen times, and I should like to be pointed out by somebody who is enamoured with it if there is any provision to that effect.

The next point we made out in the Report was that all the Members of the Statutory Board should be appointed by the Minister. But the majority suggested that three members should be appointed by the Governor General in his discretion and four by the Governor General on the advice of the Federal Government, while we find in the present Bill that "not less than three-sevenths" shall be appointed by the Governor General in his discretion, which means that he might appoint all the members of the Statutory Board.

We now come to the question of rates and freights. This question was left to be specially discussed in the Legislature, but we find that this question has been left to the Governor General, and this Legislature has got no power to discuss any Bill without the recommendations, not the previous sanction, of the Governor General.

Now, Sir, I shall probably have another opportunity in connection with the Railway Budget to discuss this question in detail; but, before I conclude, I should like to stress on one particular point in this Bill. I refer to section 181 of this Report, along with section 180 (c); and here they will find an entirely new proposal. It was not discussed by the London Committee. We have lent to the Railways a sum of 800 crores on which we realise an interest of 32 crores. Now, the Governor General, at his discretion, will fix the exact value of these railways which we are going to hand over to this Railway Authority over which we will have no control in future. We will not be able to ask any questions, we will not be able to pass that budget and we will have absolutely no say in it, because the whole thing has been handed over to a Committee by the Parliament. Now, the Governor General, in his discretion, will fix the value of the railways which we are handing over to the Committee and it is quite possible, or, I say likely, that it may be argued that a bridge, on which we spent a sum of seven crores in construction and three repairs, is not

worth seven crores today, but is worth only about two crores, and, therefore, the remaining five crores ought to be written off. Again, we borrowed money at the rate of five or six per cent. and handed it over to the railways. They will say that at that time the rate of interest was higher, but now we can get money at $3\frac{1}{2}$ per cent. Therefore, it is quite likely that they may evaluate the 800 crores worth property at 600 crores and fix $3\frac{1}{2}$ per cent. rate of interest, so that by one stroke of the pen we will lose an income of 12 crores every year or it may be any amount. It will depend on the Governor General in his discretion, and, in this particular matter, I think we will be very badly off. The loss of interest will be made good by imposition of fresh taxation on the already over-taxed people of India.

Sir, I will say one word more and that is about those persons who cannot speak for themselves and who are for ever deprived of the chance of speaking for themselves, and that is the people of British Baluchistan. Here we have provided that the Regulation which will be framed for them can even set aside an Act of the Legislature. It is very hard for them and we should do something to ameliorate their unfortunate position.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, I rise to support the motion moved by my learned Leader. Much has been said about mutual goodwill, and an appeal has been made that, if there is goodwill on both sides, this Constitution will work very well. It has also been remarked by the Honourable the Commerce Member that if we do not accept it, what is the result? Well, Sir, while it is true that mutual goodwill is always good, I will say that compromise with evil is a sin. Compromise with evil out of weakness is a great cowardice and a great sin. If we are not able to succeed, let us admit for a moment that we are not succeeding in our struggle, that direct action has not succeeded. I do not admit it. I say that if this Joint Parliamentary Committee Report has been conceived in a spirit of domination and exploitation, it would be a sin and it would be a betrayal of the interests of the country to sign our own death warrant. I do not believe in this helplessness and in this policy of defeatism. The Honourable the Commerce Member has asked, what is the remedy? We know the remedy and we shall have it. But he has not discussed the Joint Parliamentary Committee Report on its merits; he has only given the grounds as to why we should not reject it. What we say is that it is conceived in a spirit of political domination and exploitation and we are not going to endorse it, and let this wish be conveyed to Parliament. What the future result will be, the future will determine. So far as goodwill is concerned, it is very good, and the safeguards will be worked properly and reasonably. That is the argument. Another argument is that these safeguards are evidence of responsibility, and if there had been no responsibility, there would have been no safeguard. That is a strange argument which has been given in this House. Heavy chains are evidence of liberty. We see nervous people keeping their small cash in big iron safes, the bankrupt's making a demonstration of an iron safe in order to deceive people that he has got cash. These safeguards are bogus. There is no cash in them; there are only forged notes and false coin in these safeguards (Laughter), and there is nothing which we can work. It is said that they will be worked in a spirit of goodwill, and Great Britain will lead us to Dominion Status. This we have to see from the past conduct of Great Britain. It has been said in this very House that it was

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not wise on the part of Great Britain to forget the pledge given by Lord Irwin. How are we to determine the past conduct? How are we to determine that the safeguards would be worked with mutual goodwill? There have been old pledges, pledges given by Queen Victoria. We might forget those pledges, but there is the pledge given in 1929 that India would have Dominion Status. What about that pledge which was given only six years ago? Even the supporters of Government cannot justify that attitude. There was a clear pledge and a promise, and there is a clear violation of the pledge. Then, there is the second pledge. The pledge was that this Constitution Act would be passed upon the agreed decisions, agreed between the representatives of India and Great Britain. What has our friend, Sir Cowasji Jehangir, said? They presented a joint memorandum and every single request and every single proposal has been rejected. It was said that we should adopt the method of argument and persuasion, and not direct action. After all, the Right Honourable Srinivasa Sastri, Sir Cowasji Jehangir and Sir Tej Bahadur Sapru, all adopted the method of persuasion. But did they succeed? For every demand that they made and for every proposal that they made they got nothing but a safeguard. (Laughter.) I would rather say that the joint memorandum helped the British Government in framing these safeguards. They wanted to know what these people want and they were determined not to grant them. I remember the case of a public prosecutor who was not prepared in his criminal appeal and he told the opposing Counsel, "Well, I have come to know that your case is very strong, and I should like to withdraw the case. Will you please let me know your strong points?" The lawyer thought he would do well to explain his strong points to the public prosecutor and then his client would be acquitted. The public prosecutor, after knowing his strong points, argued them very ably and the appeal was rejected. This is how our Knights have acted. (Laughter.) They thought that where argument failed, they would have persuasion; and the same argument is being advanced today. They say they will try this to the end, because direct action is not open to them. They would accept what is given to them, because they cannot have direct action and fight boldly; and they ask us what we are going to do. When the British retreated before the Germans, what did they do? They persevered in the struggle and fought. We know this country is going to be taxed; we know that the tax-paying capacity of the people has reached its limit. We know that the people are starving and we know that the interests of the Imperial Services, the Anglo-Indian and the European Services, have been safeguarded in the Joint Parliamentary Committee Report. And if the poor people come to know that this white elephant is going to be tied to India, they will revolt; and we will ask them to revolt, because direct action is still open to us. We may not revolt owing to our weakness, but the starving people will revolt. There are safeguards for Anglo-Indians for the Europeans, for the Imperial Services. There is no safeguard for the poor people. His Excellency said in this House that India dwells in her cottages: if the nation dwells in cottages, provide for that nation. Where is the provision for that nation? What do we find for the Imperial Services? Their pensions, their Lee loot, everything is maintained; and what else do you find in this political document? You find what sort of medical attendance they should have—the Imperial Service man should have. With regard to his posting and transfer, the Minister will not have any control. Is it a document of the Constitution? I think it is a Moore's Family

Medicine (Laughter) which provides what an Imperial Service man may eat, how many bed-sheets he will have and what he shall do. I remember a speech of the present Home Member, when he was Finance Member of the Punjab Legislative Council: speaking about his coat, he said: "Look at the hard lot of these I. C. S. people; under this ten per cent. cut, you do not realise what hardships we are suffering. Look at my coat which is five years old". . . . (Laughter.)

The Honourable Sir Henry Craik (Home Member): If my Honourable friend wishes to quote me, I wish he would quote me correctly: I did not say five years old: I said twenty years old. (Renewed Laughter.)

Mr. Sham Lal: I am sorry. I think it should have been provided in the Joint Parliamentary Committee's Report that the I. C. S. men should have two suits every year (Laughter), that he should have so many bed-sheets. But what about the cottage dwellers? What safeguard have you provided for them? The answer is: "If we were to safeguard the interests of the bread and butter of the cottage dweller, whom are we going to eat? The interests of bread and butter are safe in our stomach". There is no safeguard for the cottage dweller. I say, he should be protected and safeguarded. Why has this Village Uplift Movement failed? Mr. Brayne is a sincere man and I have great respect for him: but the movement has failed because the Government do not provide any funds: Government do not provide any money; you may start any movement, you may appoint any officers; but if you do not give money, if all the resources of India are going to be mortgaged to the military and to the Imperial Services, there cannot be any money left. We do not want that kind of democracy. Mr. Churchill is afraid of giving an instrument of abdication. Congress and Congress people are prepared to abdicate if the poor people in the villages are provided for. Let there be no democracy: but let there be money provided for the cottage dwellers; let there be that provision in the Constitution Act: let half the money realised from every village be spent for the uplift of that village: let them do it. But can they do it? Then the military would starve; the Indian Civil Service and the Imperial Services would starve: they would have old coats,—twenty years old. It is all a question of money: it is not of political power: the question is, are you prepared to give any money? This question of safeguards is no question at all: there are only two questions involved in it: the first is, has any right been transferred? If any right has been transferred, it has been so hedged in by safeguards that it is worth nothing. As regards these safeguards, we start with an initial handicap. I remember a remark of my Honourable friend, Captain Lal Chand, who is sitting opposite to me, who is going to vote for the Government. When the Rowlatt Act was being explained to him by the then Deputy Commissioner, the Deputy Commissioner said: "Well, this is after all a precautionary measure. If you behave well, no harm can be done to you"; and he then gave an illustration: he said: "Supposing you go for a walk with me every day, and I, as a matter of precaution, carry a pistol in my pocket: you know you are a great friend of mine and I would not shoot you. But, of course, I carry it as a matter of precaution". Mr. Lal Chand then said: "Well, Sir, it is quite all right: you are my friend: I have not got the least suspicion about you: but if you are the sole judge as to whether I am behaving properly or not, I would not take the risk of being shot." (Laughter.) A report was made against him and he knows how he had to clear himself. This is the honest opinion he gave and I think he will

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stick to it. If you arm yourself to the teeth, if you begin to make provision for the education of Anglo-Indians and Europeans, if you begin to provide medical attendance for your Imperial Services, if you provide everything for these people, but if you do not provide anything for the poor people, if you do not provide for the proper exercise of his responsibility by the Governor, we cannot trust it: as was said by an Honourable friend, after all, the Governor is not an angel: he might commit mistakes, and what is the object of democracy? That one single man's decision or discretion should be controlled by the votes of the people. If you give everything to the Governor or the Governor General, it would be a farce of a democracy and not democracy at all. And what sort of democracy are you going to have? Democracy in the sense that you are going to have Secret Chamber in the Federal Assembly: the Viceroy with his three Counsellors, one Financial Adviser and one Advocate-General; this will be the Secret Chamber and this would be worse than dyarchy. The Viceroy having decided among his Counsellors will only have to come to the Cabinet and say: "Well: it is my special responsibility and my individual discretion: all these Departments made over to me justify me in taking this step; and as you know, Ministers, I have got the right to dismiss you". Naturally the Ministers would say: "*Huzur*, we accept your decision. (Laughter.) We accept it: Do not dismiss us: we would be humiliated if you do so: we are ready to endorse everything". Thereupon, the Viceroy would say: "You are very good Ministers and you have given proof of working this Constitution: India will now advance towards Dominion Status".

I only want to give one more story. I remember a school incident which took place forty years ago. As I came from the village, I had great attraction for Ramlila procession. I went with several school boys to see that procession, and what we saw was this: some of our class fellows were taking part as Rama and Lakshmana and Sita in that procession and they were being carried, and people were worshipping them and touching their feet, and so on: some of my class fellows became very envious: next year, when the day came, they said: "We will also try to become Rama and Lakshmana and Sita: these are being worshipped". So they tried and became Rama and Lakshmana and Sita, and, of course, they were worshipped and given very good food: they were given offerings; and when the Ramlila procession was over, they came to us and we asked them how they fared. They said: "Oh, we fared very badly: we did not know: of course in the town and bazaar we were worshipped and we were respected; but, after the procession was over, we were taken in a tent and our ears were pulled and we were scolded and told that we did not know how to act as a king or as a soldier and we said that we were students and we have never worked as rulers or soldiers; and they said that if we did not know how to act as soldiers or rulers, we should do as they said, otherwise we would not be taken next year". Then prompters were engaged, and, of course, they complied with their orders. This would be the fate of our Ministers. (Laughter.) We also put one further question and asked them where the Ramlila money had gone. They said: "Oh, we were not paid anything: the managers pocketed all the money". Well, this Federal Assembly, this Federal Cabinet, this Provincial Cabinet, is going to be a Ramlila Committee. (Loud Laughter.) The Members of the Cabinet will distribute the money among themselves, leaving Rama, Lakshmana and Sita to play their part. Well, I ask, do

you want to have such an Assembly? Do you want such a Constitution? I am sure, nobody would like to have such a Constitution. (Loud Applause.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. Sham Lal: I have nothing more to say, Sir.

Sardar Sant Singh: Sir, my mind is inevitably drawn back to the days when my friends, the delegates to the First Round Table Conference, came back to India with a message of peace and goodwill. They told us then that they had gone there and had conquered. They told us that they had caught the imagination of the British statesmen, they had impressed upon the British public the necessity of giving reforms to India and that they had created an impression there which gave them a strong hope that India had a bright future. They also told us that the British public were willing to concede everything to Indians, provided,—and this was a big proviso,—provided the one party in India, the one political organisation in India, meaning thereby the Congress, came in and took part in the deliberations of the Round Table Conference. Some of our friends, who had gone to England as delegates, are here today. Sir Cowasji Jehangir, Mr. Mody, Mr. Ghuznavi, our friend, the Knight of the Anglo-Indians, Sir Henry Gidney, Mr. Joshi, all of them came back full of cheer, full of great hopes. They returned with a distinct optimistic outlook from the English shores, and this contagion soon caught everybody. I clearly remember, Sir, that when one Honourable Member,—I am sorry he is not in the present Assembly—my friend, Mr. B. R. Puri, preached caution, a wave of indignation passed over the House. Sir, I do not, for a moment, doubt the sincerity of these gentlemen, I do not, for a moment, doubt the earnestness with which they pleaded the cause of India at the Round Table Conference in England. They probably believed then that England was willing to listen to the demands of India, England was willing to listen sympathetically to the demands of India, to concede real power to this House after they had deliberated over what they call the knotty problem of the Indian Constitution. Sir, they had good cause to be optimistic, because the last message which the Prime Minister of England gave them was couched in very happy terms. This is what he said:

"Finally, I hope, and trust, and I pray, that by our labours together India will come to possess the only thing she now lacks to give her the status of a Dominion amongst the British Commonwealth of Nations—what she now lacks for that—the responsibilities and the cares, the burdens and the difficulties but the pride and honour of responsible self-Government."

This was the message that our friends brought back. Then they succeeded in roping in the Congress; they succeeded in persuading the other parties to join the Second Round Table Conference. What is the tone of their speeches today? We hear Sir Henry Gidney, Sir Cowasji Jehangir, Mr. Mody and several others, speak in a different tone from what they said soon after their return from England. Where is that optimism in them? Where is that cheerfulness? It is missing there.

Captain Sardar Sher Muhammad Khan: It is not missing, their cheerfulness is still there.

Sardar Sant Singh: Of course, cheerfulness is still in my friend, Captain Sher Muhammad Khan, because he has to please his constituency! Sir, today the moderates, the liberals and even legalists are vainly searching for the expression "Dominion Status" in the literature of the Joint Parliamentary Committee Report and the present Bill. But I will furnish them a clue. A chef on board a steamer went up to his Captain and asked him: "Sir, do you call a thing to have been lost when you know where it is?" "Of course, not" replied the Captain. "Then Sir, your tea kettle lies at the bottom of the sea". Similarly, the Dominion Status lies at the bottom of the sea of safeguards and special responsibilities. But where are those pledges given by His Majesty, by His Majesty's Government, by the Prime Minister, by the British Cabinet and all the successive Viceroys of India, from time to time? Those pledges have disappeared. The Secretary of State, the Great Mughal at Whitehall, felt shy of the term "Dominion Status" when he was heckled in the Joint Parliamentary Committee when he appeared as a witness before it.

Well, Sir, this makes me think seriously of another aspect of the question, and it is this. We all remember that recently every one of us took our oath of allegiance to the King Emperor before we took our seats in this House. It is a serious thing to be considered how far the oath is binding on me when the same oath of allegiance is not binding upon the Members of His Majesty's Cabinet if they can so shamelessly repudiate all the pledges that were given to us by His Majesty himself. That is a serious question to be considered, and I invite the attention of my Honourable friends, who are occupying the Government Benches, to give a serious thought to it. This brings me, Sir, to another question. Really one does not feel very enthusiastic in discussing this Report in this House. One could understand that when we were asked to consider the proposals under the White Paper, we were asked to make a constructive contribution, so that, before those proposals were put before the Joint Parliamentary Committee, the latter might be in possession of the considered opinion of this House as to the modifications demanded by this country. It was assured that the Joint Parliamentary Committee would give some thought to those suggestions of ours. That discussion took place in this House, and though the Assembly then was very docile, yet even they carried the Resolution which was sponsored by you, Sir. Certain constructive proposals were made, but those proposals, we find, have not had the least effect upon the Members of the Joint Parliamentary Committee. Today, the Honourable Sir Joseph Bore asked us, why do you reject this, what is this attitude of rejecting this Bill, what will you gain by that barren policy? I was very carefully and attentively listening to the speech of my Honourable friend, and I thought that he would give us a lead in the matter and would tell us what other course was open to us, so that our views might be considered sympathetically by the Parliament. We gave our views once and they were rejected. We are willing to give our views again, provided there is some assurance that our views will receive some consideration. The tone of the speeches that have been made on behalf of the Government by the Honourable Members on the Treasury Benches have created this impression on me that even the Members of the Government do not seriously believe in the recommendations of the Joint Parliamentary Committee. ("Hear, hear" from the Opposition Benches.) What, Sir, is the need to consider it? The democratic form of Government has come to be liked by the greater portion of human

beings in this world, because it possesses only one charm, and that charm is that it reduces to the minimum the dangers of a bloody revolution. Is there any other charm in it? If you want to get rid of a despot, you must kill him and thus put him out of the way. If you want to get rid of a despotic Government, you will have to shed blood. But, under the democratic form of Government, after a given period, we have simply to go to the people and ask for their mandate, come back and form the Government. That is the charm in the democratic form of Government. That is the simple advantage which the humanity values and which we value.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time. He has already spoken for fifteen minutes.

Sardar Sant Singh: I will finish in two minutes. So, my submission is that if England really wants to introduce a really democratic form of Government, give us that Government which can be changed at the will of the electorate. That is the proposition which I put before the House. If that Government is not going to be given to us, if we are to be elected by the method of indirect election, that would not be democratic Government; it may be anything else. In conclusion, I wanted to say something about certain defects in the Government of India Bill with regard to the communal question, but I have no time and I must leave it at this stage. I will simply say that, if we really want to win self-government, we must tell the British public that we are disappointed at this Bill, and that we have no other course open to us but to reject this Joint Parliamentary Committee Report.

Mr. President (The Honourable Sir Abdur Rahim): Before adjourning the House, the Chair desires to inform Honourable Members that the House has already had 24 speakers on this motion, but the Chair believes that there are still some more Members who desire to take part in this debate. Besides, there is the Honourable the Leader of the House who has got to reply to the entire debate, and, the Chair thinks, it is also the desire of the House that there must be sufficient time for putting the questions arising out of the different amendments to the vote of the House. The Chair, therefore, thinks, that it would be the general desire of the Honourable Members that the House should suspend questions tomorrow. (Cheers.) At the same time, the Chair would ask Honourable Members, who wish to take part in the debate tomorrow, to confine themselves strictly to the time limit which has been agreed to by the House.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 7th February, 1935.

LEGISLATIVE ASSEMBLY.

Thursday, 7th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

NOMINATION OF THE PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3(1) of the Indian Legislative Rules, I nominate Maulvi Sir Muhammad Yakub, Mr. S. Satyamurti, Lieut.-Colonel Sir Henry Gidney and Sardar Sant Singh on the Panel of Chairmen for the current Session.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Non-Official Members have been elected to the Standing Committee for the Department of Education, Health and Lands, namely:

- (1) Mr. Fakir Chand,
- (2) Dr. T. S. S. Rajan, and
- (3) Mr. J. A. Milligan.

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

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Nripendra Sircar on the 4th February, 1935:

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

Mr. M. S. Aney (Berar Representative): The Report has been under discussion for the last two days, and, ordinarily, it is rather difficult for anybody who voluntarily comes so late as that to participate in the debate to add any new point to it, but the Report itself is full of blunders, full of mis-statements and full of misconceptions, to such an extent, that I believe, even if this debate be allowed to continue for a week more, Members will not altogether be in want of finding out points of attack and to show the absurdity of the conclusions arrived at in the same. In order to understand the scheme of the various safeguards and devices with which the Report bristles, one has only carefully to understand the

[Mr. M. S. Aney.]

ground which has been prepared in the introductory part of this Report. Therein certain assumptions are made and premises are laid down which, if accepted, will leave no other alternative but to accept the conclusions which the authors of the Report have ultimately embodied in this Report.

Sir, I maintain that the authors of this Report have approached the Indian problem entirely from a wrong point of view, and, in my opinion, even from a prejudiced point of view. The authors of the Report, in estimating the Indian conditions, have admitted in one place that the Indians have shown a remarkable capacity for parliamentary business since 1921. They have made that admission in one part of the Report, and, within three or four sentences after that, they jump down to another astounding proposition that Indians are wanting in the very elementary conditions which are essential for a parliamentary government in this country! What are those conditions? Indians have no respect for the principle of the majority rule. The minority does not know how to submit to the vote of the majority. They have laid down three or four conditions—the principles of majority rule, the willingness of the minority to subject to the decisions of the majority, existence of great parties divided by broad issues of policy rather than by sectional considerations and the existence of a mobile body of public opinion owing no allegiance to anybody. These conditions are, according to the members of the Joint Parliamentary Committee, wanting in India, and, therefore, no parliamentary form of Government is possible in India. Having once admitted in the first part of the Report that since 1921 Indians have shown remarkable capacity for parliamentary form of Government, to say that Indians have no respect for and do not even know the principle of majority rule is, to my mind, an absurd proposition and an incorrigible contradiction. If they had no respect for the principle of majority rule, I am sure, they would not have been able to show that remarkable capacity for parliamentary Government to which the Statutory Commission have testified. Either the first proposition is false or the second proposition is false. In my opinion, the authors of this Report were trying to analyse the conditions for themselves without understanding the realities of the situation. They have taken it for granted that these conditions are entirely wanting in this country. I do not think they have any ground to say that the people of this country have shown any want of respect for the vote of the majority. If that was so, how could they have been able to run the Constitution which was given in 1921? Secondly, they have been justifying the various safeguards on the ground that these conditions, which are wanting in the Indian people, can be supplied only if the statutory safeguards are introduced. They presume for the safeguards the virtue of creating amongst the people the tendencies which are wanting amongst them. That is another ground they have taken. What the authors of the Report say is this:

"The successful working of parliamentary Government in the provinces must in a special degree depend on the extent to which the Parliament can translate the customs of the British constitution into statutory safeguards."

Now, I want to know if any one of these statutory safeguards has got anything to do with those conventions of Parliament on which the working of Parliamentary Constitution depends. I have very carefully read the safeguards. I also claim to have some fair knowledge of the customs and

usages of Parliament as they have been described in the books which deal with the practice and procedure of Parliament. I have never found any safeguard, any custom there which has got anything to do like the safeguards with which this Report is full. Is there anything in the custom of the House of Commons or in the House of Lords which has got anything to do with the safeguards provided for the discrimination of trade and commerce in this country? Is there any other custom which has got the remotest resemblance with the special powers which have been given by way of safeguards to the Governor and the Governor General in this Report? I think it is pure sophistry to say that safeguards are provided with a view to creating in Indian Constitution the customs and conventions and the conditions by which parliamentary rule is run in England or the parliamentary institutions are run in other civilised countries. The safeguards, in my opinion, are really provided for the sake of consolidating the power in the hands of the existing foreign Government in order that their work of economic exploitation might be facilitated and their domination perpetuated here. (Hear, hear.) I can attach no other meaning to the safeguards. Then, Sir, the safeguards are supposed to supply the missing links of the Government in the Indian conditions. They further say that the necessity or the need for flexibility, the need for strong Government, the need for efficient administration and the need for an impartial authority which could hold the scales even could be supplied on account of these safeguards. It means, in plain language, that if there are no safeguards and the Indians are given the political power, the administration will be inefficient. It means that if Indians are given power without the safeguards, there shall be no strong executive Government. It means that if the safeguards are not provided, the Indians will not be able to administer impartially justice among the various communities. If these are assumed to be the real conditions, I submit, there is no scope for any advance, not only the so-called advance embodied in this Report, but no advance whatsoever in the direction of democracy. They deny the very conditions in which any kind of Government can at all be run by Indians at any time. It would have been better for the Select Committee to say, nay it would have been more honest on the part of the committee to say that, under those conditions, British rule, with all its high-handedness and autocratic character, shall remain for ever in this country rather than recommend any advance in the direction of democratic Government at all. If the Indians are unable to administer justice impartially without the safeguards, it means that they presume the existence of the conditions of incompetency under which the perpetual existence of the British or some other foreign rule in India is justifiable. This is the ground which is prepared for the sake of the Report.

Now, those persons who have started with these premises cannot be expected to give India anything that will come up to the political aspirations of the people, and, therefore, I have stated in my amendment which I had not moved that this Report falls short of the requirements of the country and the political aspirations of the people. The reason is this. The very manner in which they have tried to tackle this question and the way in which they have approached it is so narrow and so bigoted that they are unable to envisage the real nature of the present conditions in this country and to imagine the pitch to which the political aspirations of the people have gone up during the last 20 years. Another point that deserves to be noted is that the authors of the Report have also shown

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undue solicitude for the essential unity of India. The whole scheme of all-India Federation is based on the ground that in that way they shall try to give us and preserve what is styled as essential unity for India. Now, I want to ask whether this all-India Federation, which confers on the Indian States the right to enter into the Indian polity, along with British Indian representatives, is in reality intended for the sake of consolidating Indian unity or whether it is intended for some other purpose. My own idea is that the object of the Federation is not so much to consolidate the unity of India as to break up the political unity which has been achieved in British India during the last 50 years of political agitation. I am afraid that the political unity which has been achieved in British India by the efforts and the sacrifices of the Indian politicians is troubling the minds of those who are responsible for writing up this Report, and they have found out that, by introducing the element of Indian States into the Federation, they could devise an effective method by which to break up that political unity. It is, therefore, not with a view to creating or consolidating the political unity, but to break up the solidarity of the political unity that has been achieved that this all-India Federation is mainly coming into existence. This is the object with which the thing is done. The Englishmen are afraid that by the unity that we have already achieved, we will one day stand up as one man and say that we do not want to remain any longer under foreign rule. It is to avoid this danger or postpone the fatal day to as distant a date as possible that they have introduced this All-India Federation. To my mind, the introduction of Indian States in the Indian polity in the form of all-India Federation is meant more to break up the unity and the strength with which we have been claiming our birth right in spite of all the opposition and the obstacles thrown in our path and not at all to help us to consolidate our position by the addition of new allies. This All-India Federation is being dangled before our eyes for this purpose. If they are really solicitous about our achieving real and lasting unity in India, I am sure, they would not have introduced a thousand and one things in this Report which go to break up the Indian unity and vivisection the Indian polity as they propose to do under the operation of the Communal Award.

I say the very principle on which this Communal Award is based and the way in which it is thrust on us is proof positive, in my opinion, that the Government want anything in this country, but unity among all the communities. They do not like the people welding themselves into one nation. This Communal Award has been introduced with a view to seeing that the several communities in India permanently divide themselves into warring camps and fighting factions, so that each community might always be jealous of the other and thus help to perpetuate foreign rule in India. These are the principles underlying the Communal Award of His Majesty's Government. I am sorry to make these remarks. They are not meant to injure the feelings of any of my Muhammadan brethren, or the feelings of the princes or of the European or the Anglo-Indian community. I assure them that, so far as I am concerned individually, my mind is more occupied with all-India considerations than with any sectional sentiments. If I attack this Communal Award, it is for the reason that it is based on principles which go to undermine the solidarity and the very idea of unity in this country. This Award perpetuates those forces which will ever keep the Indian community into warring camps.

It will always keep alive in them the consciousness of being persons of different religion and different culture; and will always keep away from them the idea that will enable them to look at any question purely from a national point of view. This Communal Award strikes at the very root of unity and nationalism in India. It is for that reason that I attack the Communal Award and the present communal solution. I am all the more surprised that this Communal Award is given by the Prime Minister, who, at one time, in 1912, while speaking on the Irish Home Rule Bill . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Mr. M. S. Aney: I am sorry that my time is so short and the points which I have to deal with are so many that I'll not be able to finish within two minutes. In 1912, when he was speaking on the Irish Home Rule Bill, he had to deal with this question in one form. He particularly referred to the conditions in India and said what would be the proper thing to do in a state where there are people sharply divided on account of religions and cultures and how in such a State to introduce the representative system and what will be the proper method of representation to adopt? He then suggested a method of representation of the various communities without dividing the country on the basis of communal reservations and separate electorates. But when he himself was now called upon to give a decision on a point like that, whether by the consent of the fighting parties or on account of some other circumstances, into the details of which I cannot go at present for want of time, he did not stick up to the principles he had been advocating so long. Then, he said that although he was opposed to the proportional representation, both from the point of view of principle and from the point of view of expediency, still, he admitted that he had always written in various documents that there was one class of things where the proportional representation might with propriety be introduced, namely, when you get a State where the population is not coherent and where you have marked differences. He then gave the instance of India itself and mentioned the position of the Hindus and the Muhammadans, and so on. In such a State proportional representation was the proper method to be adopted. He then did not recommend the method of communal representation and separate electorates. That was the opinion expressed in the year 1912, when he was dealing with the Irish Home Rule Bill. When he, however, came in office and as a Prime Minister had to decide the very question of India, to which he referred in his speech of 1912, he unfortunately did not adhere to the position which he had taken in 1912. He stumbled on the wrong method of separate electorates and communal reservation. What a change and what a fall! That is what I wish to say.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): The Prime Minister has now realised his responsibility.

Mr. M. S. Aney: I think, Ramsay MacDonald, a Parliamentarian, was more honest than Ramsay MacDonald, the Prime Minister. Sir, there are several other important points which I wanted to touch, but I do not want to exceed the time allotted to me, Mr. President. I, however, do want to refer to one thing. In this Report, while dealing with many

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other questions, there is one particular point in connection with the question of Provincial Autonomy to which I want to make a reference, within a minute or two, with your permission. So far as the question of Berar is concerned, under the new Constitution, it will be a regular part of the Central Provinces, about the propriety of which I have no time to say at the present moment. But, in view of the contemplated negotiations between His Exalted Highness the Nizam and the British Government, a great difficulty has arisen which I wish to bring to the notice of the House. The Report says that such an arrangement had been arrived at and the Bill says that the arrangement is in contemplation and shall be arrived at. Now, the people of Berar are entitled to know whether there is any real arrangement arrived between His Exalted Highness the Nizam and the Government of India, as regards the position of Berar, and, if so, what is that arrangement? We have been repeatedly asking the Government of India to disclose if there was any new treaty. Sir, this arrangement is very important from the point of view of the new Constitution inasmuch as, on the basis of that arrangement, certain important rights which should properly belong to the Provincial autonomous Government of the Central Provinces would be limited seriously. Protection of the rights of Native States has been specified in section 52, clause (f), as a special responsibility of the Government of the Central Provinces to include, according to the Report of the Select Committee, the special responsibility on the Governor of the Central Provinces to give particular regard to the commercial and economic rights of the Hyderabad State in the administration of Berar. It is impossible for us to know what this clause precisely means. It would be a strain upon the Finance Minister and also on the Minister who will be in charge of Commerce and Industry in the Central Provinces under the new Constitution in discharging their responsibility which these restraints will impose on their power. These are extra restraints on the power of the Ministers of the Central Provinces which are not to be found in the case of the Ministers of any other province. From that point of view, for the people of the Central Provinces and Berar, it is very important to know the precise nature of the arrangement arrived at between His Exalted Highness the Nizam and the Government of India and the various things which the Central Provinces Governor is expected to safeguard under his powers of special responsibility. What are the rights, privileges and interests in Berar of His Exalted Highness the Nizam as sovereign, we are entitled to know?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must now conclude.

Mr. M. S. Aney: I shall soon finish my speech. I only ask the Government of India to be fair to the people of the Central Provinces and Berar and publish that arrangement immediately. Until that is done, we shall not know where we stand. Sir, in conclusion, I say that I add my voice to that of the Leader of the Opposition in asking this House to reject this Report which bristles with many other difficulties and defects of an incurable nature to which I could not make a reference for want of time.

The Honourable Sir Henry Craik (Home Member): Sir, in speaking on this motion yesterday, my Honourable colleague, Sir Joseph Bhore, did me a somewhat serious injury, because he made to the House a speech, a

very eloquent speech if I may say so, which I had myself proposed to make this morning, and, consequently, I have had to spend some hours in thinking over a new line of argument. I would like, however, if I may, to take a leaf from my Honourable colleague's book. I will address this House not only as a Member of the Government of India, but also as an Englishman who has lived in India longer, I think, than any other Member in this House—certainly any other official—and who has been—I think I can claim that—more intimately connected with the working of the existing system of administration than any other Member of this House. In my connection in working the present system of administration, I have been brought into intimate and close contact with Indian politicians of all shades of opinion. I think I can claim that in the case of some of them, at any rate, I have been fortunate enough to win their friendship and confidence. If I have been so honoured, I put it down to the fact that I have always made it a rule to speak to them with perfect frankness, to reserve nothing and to make no attempt to conceal my own views. I hope I may be allowed to follow that rule in addressing the House today, and I do so in the spirit of sincerest sympathy with India's desires for political advancement. And if I have any criticism to make on what has been said in the course of this debate, I hope Honourable Members will treat it as criticism made in the friendliest possible spirit. I think the course of this debate has illustrated how difficult it is to deal with a subject of this magnitude and complexity in a speech limited, save with your indulgence, to 15 minutes and I feel that a good many speakers have quite unconsciously fallen into the error of trying to go too much into points of detail. There have been many notable speeches, notable for their eloquence and for their moderation and restraint and for their appeal. But certain other possibly less experienced speakers have, I think, rather tended to obscure the issues by dwelling too much on the many points of detail that must arise in any scheme of this complexity. That error I will endeavour to avoid and I will confine myself in my observations only to the very broadest outlines of the proposals.

Sir, one impression that has been borne in on me, as I have listened during the last two days to this debate, is the great diversity of opinion expressed. We have had, I think, no less than eighteen amendments tabled to the original Resolution and fourteen of these, I think, have actually been moved. Now, it is quite true, nobody for a moment can deny it, that most of them, in fact, I think, nearly all of them, unite in declaring that the Report is unsatisfactory and fails to meet Indian aspirations. But the degree of dissatisfaction varies from one amendment to another in a very marked degree and also in the particular points selected by various amendments for special damnation. I will deal first, Sir, with the amendment of my Honourable friend, the Leader of the Opposition. It is equivalent, of course, to a flat and complete rejection of the scheme. My Honourable friend made it perfectly clear that he did not want any legislation based on this Report and that he preferred to remain on indefinitely, I take it, under the present Constitution, which he himself and his Party describe in their public utterances as humiliating and . . .

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Intolerable.

The Honourable Sir Henry Craik: Intolerable. But the position which he prefers and his Party prefers is that embodied in the amendment. My Honourable friend, Sir Joseph Bhore, asked yesterday what would be the result of this flat rejection. There was no very clear and definite answer given to that question, but, if I might be allowed to supply one, it would be the answer that used to be given to a riddle which used to be put to me when I was a small child. The riddle was this: "Where was Moses when the light went?", and the answer was: "In the dark". (Laughter.) At one time the solution put forward by Honourable Members opposite—the alternative put forward by Honourable Members opposite to the Constitution outlined in the Report was a Constitution to be drawn up by a Constituent Assembly. I have been impressed, Sir, by the fact, that though this debate has now lasted for more than two days, I think, there was only one single speaker—and that not a member of the Congress Party—who has made even the most remote reference to the proposal for a Constituent Assembly, and, I take it, that we may conclude from the silence on this point, that the Congress Party no longer intend to pursue, what I may call, this flickering shadow of a solution by a Constituent Assembly.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadian Urban): No, no. That is only your inference.

The Honourable Sir Henry Craik: Well, if it is intended to pursue that idea, it is certainly curious that no reference has been made to it in this debate. It is true that a very indirect reference was made by my Honourable friend, the Leader of the Opposition, when he spoke of self-determination. But that is also a most vague phrase. In fact, ever since it was invented by President Wilson about the time of the termination of the Great War, people have been fighting, literally fighting over what it meant, and I have seen in a recent book, that has commanded a considerable circulation, that the phrase "self-determination" has been described as the direct cause of no less than sixteen small wars since the end of the Great War.

Now, when I am dealing with this question of flat rejection, I would like to make it perfectly clear, I do not deny for a moment, that, if I were an Indian politician, a class with whom as I have said I have very great sympathy, I admit quite freely that I would feel disappointed. I will even go a little further than that. I will admit quite freely, as a Member of the Government of India, that I feel somewhat disappointed. (Hear, hear.) As His Excellency the Governor General observed the other day, it is an open secret that the Government of India were not in favour of the system of election to the Central Legislature proposed in the Report. They favoured direct election, and, I think, that it is an equally open secret that on certain other points

Dr. N. B. Khare (Nagpur Division: Non-Muhammadian): Will you then join us in demanding its rejection?

The Honourable Sir Henry Craik: I think it is an equally open secret that there were other points on which the Government of India would have liked, had they been able, to go somewhat further than the Report has gone. And, I say this entirely as a personal opinion, but I have a sort of idea that the Secretary of State himself might have liked, had he been

given a perfectly free hand, to go somewhat further. But we have to consider the actual circumstances with which he in Parliament is confronted. We must remember that neither the people of India nor the Government of India have the last word in this matter. We must remember that the whole subject is a practical one which we must approach from the point of view of practical men dealing with an actual material problem. The difficulty of the Secretary of State is that he is faced by a solid block of opposition in Parliament, not merely what are so often referred to as Diehards, but, I think, a really solid block that represents a great mass of steady, conservative opinion in the country. He has to remember the limitations which that Opposition puts upon him and he has to remember that he can only get his Bill through Parliament, through both Houses of Parliament, if in certain respects he meets the wishes of that solid block of Opposition. Now, I have said that if I were an Indian politician, I would feel a certain disappointment about these proposals, but I do think, and I say this with the deepest conviction, that, if I were an Indian politician, the very last advice I would offer to my countrymen would be to reject this scheme flatly. I would say to them, "accept it and work it in the spirit in which it is offered to you, and you will find it will open up, within a very short time, many avenues for a further substantial advance. (Hear, hear.) It will open up to you the road to your heart's desire". If I were to give the country the opposite advice, that is, the advice proposed in my Honourable friend's amendment, it would in fact amount to this. I would be advising the country to reject the scheme and to remain, for an indefinite period, under this Constitution, which you have yourself described as "humiliating and intolerable" merely because the scheme now offered to you is not all you hoped to get. And here let me say this, that the term for which you would have to remain under this humiliating and intolerable Constitution would certainly be a very long one. It would last for many years.

I know that in the course of the debate yesterday, gentlemen sitting on those Benches repudiated the idea that they hoped for anything better from a Labour Government. I cannot help feeling that at the back of their minds they may have some idea that, within a few years, Parliament may be in a more generous mood. I may say, Sir, that I dislike assuming the role of a prophet, because, as Mr. Bonar Law said, "You cannot argue with a prophet, you can only disagree with him". But I do know something of politics in England, and I must say that I think any idea of that sort is founded on a completely false conception. Let me, if I may, remind the House of what the Secretary of State himself, in speaking in the debate on the Report, said in his speech:

"Let me put, if I may say so as a friend, the position as I see it. I do not believe that it is a choice between a Bill founded upon the broad lines of the Committee's report and a more advanced Bill at any near future date. I know perhaps better than most people the weight of exacting work, the thanklessness of the task that has gone to the framing of this scheme. I do not see within any reasonable compass of time any other Government, Conservative, Labour or Liberal, giving the time and the trouble, and incurring the unpopularity in this country, of introducing another scheme."

Sardar Sant Singh (West Punjab: Sikh): May I remind the Honourable Member of what the Secretary of State said only a month before?

The Honourable Sir Henry Craik: I must ask the Honourable Member not to throw me out of the thread of my argument.

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Of course, no one can say with certainty that the next general election will not see a Labour Government in power; but I think anybody with a recent acquaintance with conditions in England will agree that the Secretary of State is right in thinking that if this Bill is rejected, it must necessarily be many years before any Government, of whatever political complexion, will take up the question again. Certainly, so far as I know the conditions, it will not be taken up by the Labour Government. A Labour Government is far more likely to be concerned with purely domestic problems, such as unemployment, housing, old age pensions, and so on; and it will not risk its position, it will not risk defeat, on a scheme that has no popular appeal in the United Kingdom.

Sir, I am still dealing, though I fear rather discursively, with the amendment moved by my Honourable friend, the Leader of the Opposition, in his very eloquent and very moving speech. He referred to many aspects of the proposals, but, I think, I am perhaps right in saying that his main objection is to the safeguards and limitations proposed in the Bill. Now, with regard to these safeguards,—and I want to say again that I wish to avoid details and only treat the subject on very broad lines,—the principal safeguards are the prevention of any grave menace to peace and tranquillity, the safeguarding of the legitimate interests of minorities, and safeguarding the legitimate interests and rights of the public services, and the prevention of commercial discrimination. I do not deal for a moment with the lesser safeguards or the one as regards financial stability which applies only to the Centre; I am dealing for a moment only with the provincial aspect. Now, more than one previous speaker in this debate has pointed out that the Congress themselves are largely responsible for the imposition of these safeguards. Of course, I am not saying that that is true for a moment about the protection of minorities; but if this debate has shown anything, it has to my mind shown most conclusively, by the speeches of one after another of the representatives of the minorities, that the minority communities do not, to my regret, trust the majority. And that is the justification for the safeguard regarding the protection of the interests of minorities. As regards the other safeguards, dealing with the menace to public peace, commercial discrimination, and so on, I for one admit that I must share that view that the Congress Party, by its political conduct during the last few years, is largely responsible for the imposition of those safeguards. If they had not been so insistent in their advocacy of direct action, in their expressed hostility to the Services, in their proposals for the reduction of the privileges and emoluments of the Services, if they had not been so insistent in their proclaimed determination for the scrutiny of all titles, for the repudiation of financial obligations, and so forth, I feel certain that these safeguards would have been far less stringent than they actually are as printed in the Bill. Indeed, Sir, in this matter, if I may say so with all respect to men with much better brains than mine, I think they have been singularly lacking in political foresight. The conduct of the Congress during the last five or six years reminds me of what I lately read in a certain rather amusing book of an interesting, though possibly a mythical, animal, the Nigerian pelican. That pelican, Sir, like all other pelicans has two large, flat, webbed feet. When he desires to progress, he puts one of his large flat webbed feet firmly on the top of the other. He then turns round and tries to bite, under the

mistaken impression that somebody is stopping him. That is exactly what the Congress is doing. It keeps on proclaiming its eagerness for advance and it itself creates obstacles to advance, and then it turns round and tries to bite a purely imaginary person who, it thinks, has been trying to stop it.

Sir, so much for my Honourable friend's amendment. I will pass now to the three or four amendments dealing with the question of the Communal Award. Of these, I need only say this that there are three sharply divided schools of thought, one of approbation, one of condemnation, and the other what I might call silent disapproval. Now, the course of this debate has brought out most clearly, and I say quite candidly, to my very great regret, that this subject of the Communal Award is one that is uppermost in the minds of practically every section in this House; and that so far as one can judge, the hope of a solid and lasting agreement is no nearer than it has been for a long number of years. Personally I entirely approve of the sentiments uttered in his opening speech by my Honourable friend, the Leader of the Opposition, to the effect that religion is all very well in its proper place, but its proper place is not in politics. That I entirely agree with, but I am afraid there has been very little subsequent evidence that that position is accepted generally in the country. I will not say anything more about that.

The next important amendment is that which stands in the name of my Honourable friend, Mr. Jinnah, or rather the third part of it only, because the other two are practically covered by what I have already said. The third part condemns the scheme for an all-India Federation. Now, Sir, we have read in the Press,—I do not know whether the surmises of correspondents have any foundation—of much hurrying to and fro and of much searching for a *modus vivendi*, and really I am not aware whether my Honourable friend's amendment represents his own views or the views of his Party, or whether he is acting independently of the Independent Party or the Independent Party is acting independently of him. That I do not know. I do not wish to detain the House by any examination of the implications of this amendment—I think that task will be undertaken by my friend, the Leader of the House, at a later stage. I would only say this: that the proposal for an all-India Federation is an integral and cardinal part of the scheme of the Report, and it seems to me that condemnation of the proposal for an all-India Federation is, in practical effect, equivalent to condemnation of the scheme as a whole. I should also remind Honourable Members opposite that the principle at any rate of an all-India Federation was accepted—indeed I think I am right in saying it was welcomed—by Mahatma Gandhi himself when he attended the Round Table Conference.

Lastly, I turn to the amendment that stands in the name of my Honourable friend, Mr. Mody, and especially that part of it which expresses dissatisfaction at the absence of any declaration of the goal of Dominion Status. Now, Honourable Members are aware, of course, that at the very moment we are sitting and talking here, the second reading of the Bill is being debated in the House of Commons, and, last evening, the Secretary of State made a very important pronouncement on this very subject of Dominion Status: it has been very briefly reported in the later editions of this morning's papers, but I have here the Secretary of State's

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 exact words. I think they are so important that I will, with your permission, conclude my speech by reading to the House the exact words, used late yesterday evening, by the Secretary of State in the House of Commons, because, I think, these words will become in time to be accepted as a very definite landmark in the history of these reforms. I should be glad to give Honourable Members printed copies of this statement as soon as I sit down. He said:

"The House will observe that the Bill like most modern Bills contains no preamble. There have, it is true, been important Acts in the past, among them the Government of India Act of 1919, to which a statement of policy and intentions was prefixed by way of a preamble. There is, however, no need for a preamble in this case as no new pronouncement of policy or intention is required. The preamble to the Act of 1919 was described by the Joint Committee in their Report as having 'set out finally and definitely the ultimate aims of British rule in India'. The Committee after full consideration further asserted that 'subsequent statements of policy have added nothing to the substance of this declaration' which they then proceeded to quote in full in their Report as (in their own words) 'settling once and for all the attitude of the British Parliament and people towards the political aspirations' of India. If the Committee were justified in these statements—and Government consider that they were fully justified—there is surely nothing to be gained by reiterating words which have 'settled once and for all' the attitude of Parliament to the Indian problem.

Moreover in government and above all in the government of the Indian Empire continuity of policy is of first importance. No Government and no Parliament can treat lightly any statement issued under the authority of their predecessors. But once the aim of a policy has been clearly determined and accepted significance attaches not to its reiteration but to concrete measures taken in pursuance of it.

The position of Government therefore is this, they stand firmly by the pledge contained in the 1919 preamble (which it is not part of their plan to repeal) and by the interpretation put by the Viceroy in 1929 on the authority of the Government of the day on that preamble that 'the natural issue of India's progress as there contemplated is attainment of Dominion Status'. The declaration of 1929—, that is, of course, Lord Irwin declaration, was made to remove doubts which had been felt as to the meaning of the preamble of 1919. There is therefore no need to enshrine in an Act words and phrases which add nothing new to the declaration of the preamble. In saying that we stand by our pledges I include of course not only pledges given to British India and to Burma as part of British India but also our engagements with Indian States.

Rightly understood, the preamble of 1919 which, I repeat, will stand unrepealed is a clear statement of purpose of the British people and this Bill is a definite step—indeed a great stride—forward towards the achievement of that purpose. It is by acts and not by words that we claim to be judged. It is clear then that we can only reach the end we have plainly set before ourselves when India has succeeded in establishing the conditions upon which self-government rests, nor will its attainment be delayed by any reluctance on our part to recognise these conditions when they actually exist. There are difficulties which she has to surmount, but they are difficulties inherent in the Indian problem and not of our creation. If I indicate by way of example two of them, it is not therefore through any desire to magnify them but because it is useless in matters of this kind to refuse to face facts or to assume if facts are avoided they will dissolve. The first and most conspicuous problem which India has to solve is her cleavages of race, caste, and religion. Again until India can safely assume in a much larger degree responsibility for her own effective defence, an Indian Government cannot be in the full sense of the word autonomous. These are examples of conditions which cannot be removed or altered by any provisions in any Act of Parliament or by any action on our part alone. Our policy, as will be seen from this Bill and Instructions as to whichever of its provisions are to be applied which will accompany it, is to do all we can by sympathetic help and co-operation to enable India to overcome these difficulties and ultimately to take her place amongst the fully self-governing members of the British Commonwealth of Nations. It was in that spirit that we took upon ourselves the formidable burden and responsibility of removing one of the chief obstacles to further advance by providing a *modus vivendi* in regard to the removal of communal differences. Our desire is to lend our help in the spirit of partnership in a great enterprise which may enlist the best services which this Country and India may have it in their power to give." (Cheers.)

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, on an occasion of such grave importance, I wish to draw the attention of the House to the attacks and misrepresentations that have been made with regard to my position regarding this question, and I think the House will bear with me for a few minutes. A newspaper, of the standing and position like the *Statesman*, has, in its recent issue dated the 2nd February, stated this:

"Race hatred is the prime mover of the Congress Party which has an important following. No doubt, they will always find fortuitous allies like Mr. Jinnah."

Sir, I repel that with all the power that I can command. ("Hear, hear" from the Opposition Benches.) I bear no race hatred of any kind whatsoever to any race. (Hear, Hear.)

Sir Muhammad Yakub (Rohilkund and Kumaon Division: Muhammadan Rural): Shame to that paper.

Mr. M. A. Jinnah: Then the paper proceeds further and says this:

"Mr. Jinnah, who started as a keen Round Tabler, an enthusiastic Federalist"—

—yes, I admit, Sir, I was not only a keen Round Tabler, but, if I may say so, I was the keenest Round Tabler, but I did not start as an enthusiastic Federalist. From the very commencement, rightly or wrongly, I knew that the scheme would never materialise in a manner which would satisfy the legitimate aspirations of India. Then, this paper further on says:

"Is now",—(that is I) "dissatisfied, because he was not invited to the later sittings of the Conference."

Several Honourable Members: Shame, shame!

Mr. M. A. Jinnah: I was not invited to the later sittings of the Conference, because I was the strongest opponent of the scheme, that was being constructed, from the commencement, and not that I have become an opponent because I was not invited to the Third Round Table Conference. Sir, these lies, these insinuations, these reflections are not worthy of any newspaper worth the name.

The Honourable Sir Henry Craik: I hope the Honourable Member is not associating me with those remarks, because he keeps on looking at me. I had nothing to do with it. May I assure my friend that I have not even read what he has just read out? I never heard of the article before, and this is the first time I hear it from my Honourable friend.

Sir Muhammad Yakub: Now, probably the Honourable the Home Member will associate himself with what Mr. Jinnah has said against that newspaper.

Mr. M. A. Jinnah: Well, Sir, I will leave it at that. I do not for a moment include the Honourable the Home Member in the criticism I have made, or, for the matter of that, I do not include any other Englishman, except the writer of that article.

The Honourable Sir Henry Craik: I knew nothing about it.

Mr. M. A. Jinnah: I will say no more about it for the moment.

Coming, Sir, to the question before the House, first I shall deal with some of the observations that fell from my Honourable friend, the Leader of the Opposition, Mr. Desai. Sir, I do not agree with his amendment. His first amendment is a flat rejection. I admit that, I do not dispute it, and I don't think he disputes it either; it is a flat rejection, because he asks that no legislation shall be proceeded with based on the Joint Parliamentary Committee's Report. That means that if we accept it, everything goes, and I think he will also admit that nothing remains, even his neutrality in regard to the Communal Award goes. Is that the reason why he, having taken up the position that it should be thrown out lock, stock and barrel, says in the second part of his amendment that he is neutral to the Communal Award? Now, Sir, I cannot accept his view. He has no alternative either, and, therefore, it is a pure and simple negative position, and I cannot subscribe to that position. That is the reason, Sir, why I have been compelled to put forward my amendment. My amendment accepts the Communal Award,—and, remember, until when,—until a substitute is agreed upon between the communities concerned. Now, it may be that our Hindu friends are not satisfied with the Communal Award, but at the same time I can also tell the House that my Muhammadan friends are not satisfied with it either (Hear, hear), because it does not meet their full demand. And, speaking for myself, personally, I am not satisfied with the Communal Award (Hear, Hear), and, again, speaking as an individual, my self-respect will never be satisfied until we produce our own scheme. (*An Honourable Member:* "Very good of you".) (Hear, hear.) Do not relegate me only to God, but take the man into consideration also. But why do I accept it? I do not want to go into the past history, but I can tell the House that I accept it, because we have done everything that we could so far to come to a settlement, though, so far, we have not been able to come to a settlement, and, therefore, whether I like it or whether I do not like it, I accept it, because unless I accept that, no scheme of Constitution is possible. ("Hear, hear" from Official Benches.) Therefore, please stop this talk of rejection now. For the time being let it stand. I entirely reciprocate every sentiment which the Honourable the Leader of the Opposition expressed, and I agree with him, that religion should not be allowed to come into politics, that race should not be allowed to come into politics. Language does not matter so much, I agree with him, if taken singly one by one, religion is merely a matter between man and God, I agree with him there entirely; but I ask him to consider this,—is this a question of religion purely? Is this a question of language purely? No, Sir, this is a question of minorities and it is a political issue. (*Some Muslim Honourable Member:* "Civilization and culture.") Have we not got in other countries questions of minorities? Have not those problems been faced and solved,—and this problem must also be faced and solved. Now, what are the minorities? Minorities mean a combination of things. It may be that a minority has a different religion from the other citizens of a country. Their language may be different, their race may be different, their culture may be different, and the combination of all these various elements—religion, culture, race, language, art, music, and so forth makes the minority a separate entity in the State, and that separate entity as an entity wants safeguards. Surely, therefore, we must face this question as a political problem, we must solve it and not evade it.

Then, my Honourable friend laid down the proposition, acquisition first, and distribution afterwards. There is a great fallacy, if I may say

most respectfully, in that statement. This is not a question of acquisition and distribution. It is not that we are acquiring some land, it is not that we are going to enter upon a venture and then we share or distribute the spoils. But, may I know, if that proposition is correct, why did Mahatma Gandhi fast to death and come to an agreement with the sanction and concurrence of all Leaders from India and arrive at the Poona Pact regarding the Depressed Classes? (Hear, hear.) Why were they not led, acquisition first and distribution afterwards? (Hear, hear.) Mahatma Gandhi was right. He knew, and they are drawn from your race, they are indus, 50 or 60 millions of Hindus. He was right, and I agree with him. I begged of him in England. First he said: "No, I will not divide the indus. I will never agree to this". I begged of him. Believe me, I pleaded more for the Depressed Classes before Mahatma Gandhi than I did for the Mussalmans. But he was adamant, but ultimately he did realise, and I congratulate my Hindu brethren that they have, by recognising and giving this protection and safeguard to the Depressed Classes, on them over, and today he is still working for their amelioration. Show the same spirit, join hands with us and we are ready. (Hear, hear.) I will say no more about the Communal Award.

Now, I come to the question of my amendment. Sir, the Honourable the Leader of the House was very hard on me. He said, he understood the straightforward, honest amendment of the Leader of the Opposition, but he said that mine was a disingenuous

The Honourable Sir Nripendra Sircar (Leader of the House): Crooked and tortuous.

Mr. M. A. Jinnah: He reminded me of a petty court where a petty lawyer, when he has got a bad case, abuses the other side. So he started by abusing me. He never told me why it was crooked, why it was tortuous and why it was disingenuous.

The Honourable Sir Nripendra Sircar: I will tell you at 3-30.

Mr. M. A. Jinnah: Ah: That is the game, that is adopting tactics which are not fair in this House. It may have been all right if he was in the High Court working for a reply. I want Government to put their cards on the table and tell me on what grounds you say that my amendment is disingenuous, tortuous and crooked

The Honourable Sir Nripendra Sircar: Grounds I have stated.

Mr. M. A. Jinnah: You have not stated. What does he say? Mr. Jinnah, by his amendment—I suppose he meant No. 3, he could not have meant No. 2—he said, if the third amendment of Mr. Jinnah was carried, what would happen? He said, "What he wants us to do is this. He wants to destroy the foundation, he wants to keep the upper storey and wants us to change the glasses and the windows". Is that your answer? Have you studied your own Bill? There is not foundation that we can talk of except one, and there is no storey, and the only storey is the pretty story of the Law Member about glasses and windows. Go and deliver those stories to the children. (Laughter.) There is no such thing as a storey here, and I shall illustrate it to the House. Let us examine this thing. Now, what are we doing? We are building a constitutional scheme

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for the provinces first, then we are building a scheme for the Central Government, it is all ground floor, there is no storey. I was threatened further, if the third amendment of mine were carried, the whole Bill would drop. But what does the Bill itself do? What does the Joint Parliamentary Committee Report itself say? It says that, in the first instance, Provincial Autonomy will come into being as soon as this Bill is passed, or very soon after it. But the Federation is not coming into being. It may take two years, it may take three years, it may take five years, and they have laid down in this very report and the White Paper proposals that there may be difficulties after the Provincial Autonomy has come into being in full working order. There may be difficulties, and there are various other conditions which have got to be complied with. They have got to get the assent of the princes, they have got to get the instruments of accession, they have got other things to do. Then, at page 286 of the Joint Parliamentary Committee Report, we find this:

"It is probable that it will be found convenient, or even necessary, that the new Provincial Governments should be brought into being in advance of the changes in the Central Government and the entry of the States. But the coming into being of the autonomous Provinces will only be the first step towards the complete Federation for which the Constitution Act will provide; and His Majesty's Government have stated that if causes beyond their control should place obstacles in the way of this programme, they will take steps to review the whole position in consultation with Indian opinion.

Provision will accordingly be required in the Constitution Act for the period, however short it may be, by which Provincial Autonomy may precede the complete establishment of the Federation. The nature of the transitory arrangements contemplated for this purpose is explained in paragraph 202 of the Proposals."

And that is provided in the Bill itself. Therefore, the question of Federation coming into being still is suspended, it is subject to the vote of the two Houses of Parliament, and it is subject to various other conditions which will have to be complied with. Now, my reply to you is this. Please stop this scheme,—remember, I want to emphasise, this scheme of Federation, stop it. I do not want to wait for those conditions to arise. The conditions have already arisen in my judgment, and I say, stop this. What are the conditions that have arisen? The conditions that have arisen are these. I have seen your scheme and it is thoroughly rotten, fundamentally bad and totally unacceptable. (*An Honourable Member:* "Why?") Why am I to be told that the whole Bill will be dropped? That is what I want to know. And now I will tell you why I object to this Central scheme. I object to the Central scheme first. Take your own words, Sir, not as the President, but as a public man, as a prominent leader and a Leader of the Independent Party. This is what you said: "The scheme is wholly unnatural, artificial and unknown to any Constitution". I would add to that—it is devoid of all basic and essential elements and the fundamental requirements which are necessary to form any Federation. My second ground is that it proposes the entry of the princes on terms and conditions laid down by them as *sine qua non* and as conditions precedent, and which are, on the face of them, most detrimental to the vital interests of British India. There may be an impression that I am against the princes. I am not against the princes. I am not against anybody. I am for British India. It is not that I do not wish to have anything to do with the princes. I have said it over and over again that I am not opposed to all-India Federation and the Honourable the Home Member very rightly

said that even Mahatma Gandhi was not opposed to all-India Federation. What follows from that? When I say that I am not opposed to all-India Federation, does it follow from that that you are to hold me to any scheme of all-India Federation that you lay down, however bad and however unacceptable it may be? Is that the argument? The point is not that we are opposed to all-India Federation, but what kind of all-India Federation? I say, standing on the floor of the House, that I do not preclude myself from considering any alternative scheme of all-India Federation which, I think, is in the interests of British India, and I shall be only too glad if I am satisfied that it is good to accept it. I know this also, that having regard to these impossible terms, which the princes have laid down it is impossible to construct any kind of Federation worth its name, and, therefore, I say it is no use going on like this. We have gone on for four years. On the one hand, the Princes have laid down their definite ultimatum—this and no more. On the other hand the British Government have laid down their safeguards—an iron wall. This you must accept! And I am between the two. You accept this and call it a Federation. That is not a fair way of looking at the scheme. Therefore, I am obliged to say this scheme is not acceptable. As regards the Honourable the Home Member, I accept every word of what he said about his sincerity. I appreciate his appeal. I understand the spirit in which he spoke. I am thankful to him for all that. I know that he believes what he said. What he said was this: take this and work it. He said: "When there was no light, what happened to Moses? He was in darkness". True, but is there any light here? Is this the light? I say that Moses is still in darkness.

The Honourable Sir Henry Craik: My point was that it was not we, but the Congress Party who blew out the candle.

Mr. M. A. Jinnah: When it suits the Home Member, when it suits the Government, they say that the Congress represents the whole of India. When it suits them, they say that the Congress is only rebels and a minority in this country. Where do I come in? Where do all these stand (pointing to some of the Muslim Members and the rest of the House)? This really is not a fair argument—because of the utterances of a few of my countrymen, you are going to impose this Constitution on India and, therefore, I should accept it. Might I not turn round and say: What about Mr. Churchill, Lord Lloyd, Sir Michael O'Dwyer, Sir Reginald Craddock and the rest of them?" If I am to believe their utterances and go by them, would I not be justified to say: "I will kick the British out from India at once and there is nothing to talk about?" Do I say that? But the British Government are determined to impose on me this Constitution, which, they know perfectly well, as well as I do, is much worse than the present Constitution. Why do they want to impose this upon us against our will? If I were to go by the utterances of one section or one party, and then decide to meet that, it is not a fair deal to India. It is an excuse. When I have examined this problem in no light manner, but with full responsibility, what do I find? I believe that it means nothing but absolute sacrifice of all that British India has stood for and developed during the last 50 years, in the matter of progress in the representative form of Government. No province was consulted as such. No consent of the province has been obtained, whether they are willing to federate as federating units on the terms which are laid down by the princes or by the British Government. My next objection is that it is not workable. It does not really satisfy anybody and it certainly does not satisfy the minimum demand of anybody. It is not

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workable. Believe me, it will lead us to nothing but bitterness and illwill, nothing but wrangles in the so-called Federal Legislature. I appeal to the princes to consider whether they are prepared to draw the chestnuts out of the fire. I appeal to the princes also—is this the responsibility which they laid down for the Centre and on which condition they were prepared to come into the Federation? The princes laid it down that, “yes, we are willing to come, provided there is a real, substantial responsibility at the centre”. Do they find that that is there? Here there are 98 per cent. of the safeguards and two per cent. of responsibility! Sir, I appeal to them to consider this aspect.

Now, next, what do we find about the safeguards? I am not going into the various clauses of the Statute, I will only give a short summary to the House in two sentences. Reserve Bank, Currency, Exchange—nothing doing. Railway Board—nothing doing, mortgaged to the hilt. What is left? Fiscal Autonomy Convention. (Laughter.) Next, what is left? Defence, External Affairs—reserved. Finance—it is already mortgaged to the hilt, our Budget, and the little that may be there, what do we find? Special responsibility of the Governor General! His powers as to the Budget and the estimates, his powers as to the interference in legislation, his extraordinary powers, his special responsibility, Sir, what do they leave us? What will this Legislature do? The Honourable the Home Member said: “Are we willing to go on with this present humiliating and intolerable Constitution?” I say, I do not like this Constitution, it is humiliating, it is intolerable, but I will refer you to the words of Lord Reading. It has got more powers than the one that you are giving me, and the one that you are proposing now is more humiliating and more intolerable than the present one. But I know they will say to me,—and I think somebody said that the Leader of the Opposition is really playing the same role as Mr. Winston Churchill,—and that I shall be told also probably that I am playing the same role as Mr. Winston Churchill, because he wants to wreck the scheme and we are joining hands with Mr. Churchill. You will say that to me. Yes, I know that.

The Honourable Sir Henry Craik: You are.

Mr. M. A. Jinnah: I am doing it with my eyes open.

The Honourable Sir Nripendra Sircar: You may change any moment, Churchill won't.

Mr. M. A. Jinnah: I am not concerned whether the Law Member changes or whether I change. I am now concerned with expressing my opinion. This, Sir, is a grave moment. I have to express my opinion and I must express my opinion with all the responsibility, and I must express my opinion deliberately and clearly, and that is what I am concerned with. Nor am I concerned with the threat of the Law Member that the Bill will be dropped. He knows nothing about it. (Laughter.) The whole of the Government of India know nothing about it. What is the good of their pretending? I am not going to make any appeal to them. As the Home Member very correctly said, neither the Government nor the people of this country have the last word; the last word is with Parliament. I want to express my opinion for the benefit of Parliament and I want to tell them what my opinion is, and let them take the consequences. Therefore, if the Home Member said: “You are playing into the hands of Mr. Churchill”, my answer is: “if you want to misunderstand us, do so, if

you want to misrepresent us, do so. We are not agreeing with Mr. Churchill. Mr. Churchill's point is that he does not want any advance at the Centre. *That is not my point.* My point is that I do not want *this* scheme at the Centre, and I call upon you to review the whole position in consultation with Indian opinion and to establish a responsible Government in my country.” (Loud and Prolonged Applause.) That is the difference. Well, Sir, as I say, therefore, it is no use misrepresenting us. Then, Sir, it is really a breach of a solemn announcement made by the Viceroy, then Lord Irwin, now Lord Halifax, and, as Mr. Sastri said, with the change of his name, he has changed his views also. (Laughter.) But, Sir, the announcement that he made was not on his own personal behalf, but on behalf of His Majesty's Government, and what was that announcement? “That His Majesty's Government will place those proposals before Parliament which will receive the largest common measure of agreement”. I ask you in all your conscience, has the scheme received the largest common measure of agreement—I mean of the Indian opinion? It may have received the largest common measure of agreement of the Conservative Party, but that was not the announcement. Therefore, there is no agreement. Then, we were told in our earlier stages that we were going to make India an equal partner. Sir, that word is dropped recently. Is this a partnership? Sir, the meaning of the word “partnership” and the meaning of co-operation with our British friends was this, “that we will call you a partner, but you must do as I tell you”. Well, we will call it “co-operation” and goodwill” provided you submit to me in everything that I say and everything that I do. That is goodwill! That is co-operation! Sir, I, from the very start, felt—and I am more convinced than I was at that time—that this idea of an All-India Federation was started as a device in order to withhold responsibility at the Centre in the British Indian Constitution. We were put on the wrong track. Anybody, who had any sense must have seen or at any rate, within a short time, realised that the scheme, which we were led into and had undertaken to construct, was impossible really to construct. It was an impossibility almost, from the start, and now there is this vicious circle: Provincial Autonomy, Federation, then Responsibility at the Centre. *What responsibility at the Centre? This.* If you don't accept this scheme, no responsibility at the Centre, and there is nothing more to be done, and even Provincial Autonomy must go. The whole thing is to be dropped. I, therefore, say to this House that the third part of my amendment really is clear, is definite in this, that I do not accept the scheme, and I call upon His Majesty's Government to review the whole position in consultation with Indian opinion.

My friend, Mr. Mody, said, why not say now that these are the modifications we want. The answer I can give is this. I think the House will agree with me, because it is on record that at the First Round Table Conference we made proposals and suggestions which ended in the Sankey report. We practically rejected most of the important considerations. At the next Round Table Conference, we again made proposals and suggestions. It was worse than the first one. And what is more important is that when they say that the proposals that we made would give us an advantage, they took jolly good care to see that some safeguard is invented to prevent that being exercised. The Third Round Table Conference was still worse. Then came the Joint Parliamentary Committee. I do not challenge for a single moment that some of the Indian gentlemen who associated with the Joint Parliamentary Committee were patriots. They were men for whom I have respect, however much I may disagree with

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them. They tried their very best. As Mr. Sastri said, they were not only incurable optimists like my Honourable friend, Mr. Mody, but they were chronic and incurable co-operators and they hoped against hope and they thought that they could still appeal to the fair mind of the British people and the British statesmen, and they went on in that hope. Ultimately, when all failed, they prepared a Joint Memorandum. All sections—Hindus, Muhammadans, Parsees and others—jointly said: At least give effect to these modifications. They were the moderate of moderates. What has happened to it? Where is that Joint Memorandum now? It is in the waste-paper basket. Sir, I say, our self-respect demands that, helpless as we are, we must move on. We have seen this scheme, and we are not going to accept it. I want no more dilly-dallying; I want to express my definite opinion. I am threatened: Are you going to remain in darkness for ever? Are you going to go without a Constitution of any kind for ever? Well, these threats are not going to disturb me. These threats are not going to prevent me from expressing my views. If you like, go on with this Constitution. Therefore, Sir, I hope I have convinced the House that I am not taking merely what you may call a petulant attitude or that I am trying to force my views on anybody. I say, these are the events and I say that we must really express our opinion now unequivocally. Then, about the safeguards. It is said—I think the Honourable the Law Member said it—that these safeguards will not be used. Sir, I have got the speech of the Secretary of State for India with me, and I do not want to quote it. But he says that these safeguards are going to be used. Not only are they going to be used, but he says: Remember what is behind them. The whole service is behind us, and ultimately he says the whole army is behind us, and these safeguards are going to be used. So, what is the good of telling me that they are not going to be used?

The next thing I wish to say is this. Sir Joseph Bore made an appeal—a personal appeal, and I have great respect for him. I have very great respect for his opinion. He said, make the best of it. Sir, I would have understood that, but then he quoted Abraham Lincoln, a great patriot with noble sentiments. When he quoted Abraham Lincoln, it reminded me “the devil quoting the scripture”. He did not finish the scripture. Is there any analogy between what Abraham Lincoln said there and the conditions and the circumstances that were in front of him and the conditions and circumstances that are in front of us? Sir, that is what I have to say so far as the third part of my amendment is concerned.

With regard to the second part of my amendment, I think Honourable Members ought to appreciate that I am not carried away by any extraneous considerations. If I had been, I would have certainly agreed with my Honourable friend, the Leader of the Opposition. I may be wrong or I may be right, but I do believe and I have no hesitation in saying so on the floor of this House, that so far as the provincial schemes are concerned, they are undoubtedly an advance on the present, and that is why I want to make a distinction. They are an advance to this extent, and I will put it shortly. First of all, the franchise, the enlargement of the electors and voters. That is the foundation-stone of any Constitution. That is an advance in my judgment. Next, all the Members of the Provincial Legislatures will be elected: that is an advance. Your Cabinet in the provinces will be of the elected Members responsible to the Legislature and the Legislature will be responsible to the electorates. That frame-work

of the Provincial Constitution is undoubtedly an advance. But having done that, there are certain objectionable features which I have already pointed out, such as, the Second Chamber and the Governor's powers. I think the Honourable the Leader of the House was wrong when he said that I was only dealing with special responsibility. My amendment deals not only with special responsibility but it says that there are some highly objectionable features, particularly the Second Chamber and the extraordinary and special responsibility powers—I am not making any distinction—and, of course, rules with regard to the Police and the Intelligence Department. Therefore, the distinction that I make is that with regard to the provincial scheme, I cannot say that I am so fundamentally opposed to it as to reject it. Therefore, I say, please make those modifications, and if you make those modifications.

Mr. S. Satyamurti: Is there any chance?

Mr. M. A. Jinnah: I am not going now by chances. I am not gambling here.

Mr. S. Satyamurti: You are.

Mr. M. A. Jinnah: I am not. I am expressing my opinion. I am not here at a game of chance. Therefore, I am expressing my opinion and I am expressing it, as far as it lies in my judgment, honestly and fairly and consistent with the realities and the facts. Therefore, I say, make these modifications. I think the Honourable Member, the Leader of the Opposition, said that my amendment also means a rejection.

Mr. S. Satyamurti (sitting): Even the Leader of the House says so.

Mr. M. A. Jinnah: Have you got to say anything?

(Mr. Jinnah sat down, but there was no reply from Mr. Satyamurti.)

The Honourable the Leader of the Opposition said that my amendment also means rejection, I mean the third part of my amendment. He takes a legal view, and, to a certain extent, he is right, and I will tell you to what extent, he is right. You have made an offer, and so far as he is concerned, he says: “I do not look at it. It is so bad and I am so much disgusted with it that I do not want to look at it or any part of it.”

Mr. Bhulabai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I have looked at it, but found it disgusting.

Mr. M. A. Jinnah: He says: I won't look at it again; I am finished with it. I, on the other hand, say: “Yes, I have examined it; it is bad as far as provinces go, and the Central scheme is totally bad, fundamentally bad; however, I do not stop there, but I make you a counter-proposal,” because, I think, it is my duty not merely to indulge in a flat negative. You will say: “What do you want then?” Well, Moses does not want to be in darkness for all time. Moses says to you: “This is my alternative and proceed with it”. Modify the Provincial scheme, drop the Central scheme, and review the whole position in consultation with Indian opinion with a view to establishing complete responsible Government in British India. Sir, I have done. (Applause.)

[7TH FEB. 1935.]

Mr. F. E. James (Madras: European): Sir, any one who has heard my Honourable friend, Mr. Jinnah, will detect in his speech a very close echo of the speeches recently given in the House of Commons by Mr. Churchill and his friends. In spite of my Honourable friend, Mr. Jinnah's denial, his speech today will be welcomed by the Rothermere Press and his photographs will appear in all the daily newspapers which are against the Government of India Bill. In fact, he will be acclaimed as a convert to the Churchill view and his speech today will give added arguments to those who are uneradically opposed to any advance as far as Indian reform is concerned. I find, Sir, that a very prominent Indian leader whose name should always be received with respect—I refer to the Right Honourable Sir Tej Bahadur Sapru—has put on record:

“While I have criticised many features of the proposed Constitution, I am not prepared to endorse the view which has been put forward in certain quarters that the proposed Constitution will make our position worse off than the existing one or that we should make common cause with Churchill to wreck the proposed Bill.”

My Honourable friend, Mr. Jinnah, is making common cause with Churchill, and whatever his intention may be, I am bound to say that in his somewhat tortuous speech, it was a little difficult to discover what his intention was. Perhaps he has left the House to discover it for itself. Whatever be the intention of his somewhat tortuous speech, the interpretation of those in British Parliament will be one and one alone that he is opposed to the scheme, that he is with Lord Rothermere and Churchill and their campaign of scurrilous misrepresentation against British India and against the Indian princes (Hear, hear.) Therefore, Sir, on that ground alone, I deeply regret that the Leader of the Independent Party should have given such a handle to those whom we believe to be the enemies of India in their fight against the Government of India Bill at present. I understand, as far I was able to understand, the real meaning of Mr. Jinnah's speech, that his two main objections to this scheme which he wishes to be withdrawn, which he wishes to vote against *in toto* and which he finds entirely unacceptable, the main features of his criticism are first with regard to the Federal proposals and second in regard to safeguards. Now, Sir, it is difficult for me, in the short time at my disposal, to answer or to attempt to answer all the arguments used by my Honourable friend who is such a distinguished lawyer. But I wish to put forward two points in particular. In the first place, I wish to say quite definitely that the allegation that the Federal scheme was thought of in order to prevent further advance in the Centre is not only an untrue allegation, but is one which runs counter to the historical process which took place at successive Round Table Conferences. That is an absolute denial of the facts, it is a denial of the developments which took place in London for about three or four years. I know it has been stated in many quarters that there are difficulties in regard to Federation. There is the factor of the desperate elements which are being brought into the Government at the Centre, there is the factor of the unwillingness of the States to submit themselves to the jurisdiction of the Federation in certain matters. But I would like, in this connection, to place before the House one more quotation from Sir Tej Bahadur Sapru.

Mr. B. Das (Orissa Division: Non-Muhammadian): You are swearing by Sapru.

Mr. F. E. James: I am putting his view forward, because he is one of the greatest constitutional lawyers in this country and he deserves well of India in connection with the struggle for Constitutional Reforms. In his own memorandum to the Joint Select Committee, he said:

“I would point out that some Indian States, particularly those in the South, already possess representative institutions, though there is much room for their development. Others are showing a tendency to move towards constitutional forms of Government and nearly everywhere in the Indian States there is an awakening among their subjects who are urging their rulers to associate them with internal administration.....I am strongly of the opinion, however, that one result among others of the association of British India and Indian States in the field of common activity in the Federal Legislature will be to facilitate the passage of the Indian States from their present form of autocratic Government to a constitutional form with the rights of their subjects defined, ascertained and safeguarded.”

That quotation alone is a sufficient answer to the apprehensions of Mr. Jinnah in regard to the incursions of the Indian States with their autocratic traditions to the Central Government.

I now wish to refer to the matter of safeguards on which Mr. Jinnah laid so much stress. He spoke in particular in regard to the special responsibilities of the Governors and the Governor General. I would like to remind him and to remind the House that these special responsibilities do not in any way define a sphere from which the Ministers are excluded. They merely define spheres in which it is constitutionally proper for the Governor General to act without the consent of the Ministers, and, if need be, in opposition to that advice, if in his individual judgment the circumstances of the case require such action. You will find all through the Joint Parliamentary Committee Report emphasis laid down upon the need for common consultation between the Governor General and the Ministers, and it seems unnecessary to consider that these special responsibilities, in the close actual working of the Constitution, between the Governor or the Governor General and his Ministers, should be used by any Governor General or by any Governor in any province as a means of wielding autocratic power against the wishes of his Ministers. In fact, throughout, you will find that even in regard to the reserved departments, joint deliberations between the Ministers and the Counsellors are encouraged. In every matter, even including those matters which are reserved, this common consultation is stressed.

Now, Sir, it has been suggested by my Honourable friend, Mr. Jinnah, that at the Centre there is, in fact, no power left to the new

1. p.m. Federal Ministry. You will, of course, remember, Sir, that a certain amount of power has already been transferred from the Centre to the provinces and that that power in the provinces will be wielded by responsible Ministries. In fact, the transfer of the present reserved departments to the provinces involves a transfer throughout India of upwards of 40 crores to the responsible management of Ministers elected by the Legislature. But, as far as the Centre is concerned, if a glance is taken at the list of subjects which are Federal and which will come within the purview of the Federal Ministry, it surely cannot be said that there is no power left there. Finance, taxation, commerce and industries, railways, major ports, shipping, navigation, posts and telegraphs, communications where they need co-ordination, coinage and currency where the last word ultimately will be of the Government of the day, emigration and immigration, insurance,—a vast number of essentially

[Mr. F. E. James.]

important subjects—are still within the influence of the responsible Ministers of the Legislature in the Federation. My Honourable friend, the Leader of my Party, suggested the other day, that in regard to the Indo-British Trade Agreement, which this House rejected by a majority last week, under the new Constitution as proposed, the Commerce Member will be a responsible Minister and any such Trade Agreement will be negotiated by him and will thus be negotiated by one who is responsible to an elected Legislature. Is that not a transfer of control? I am supported in that fact by my Honourable friend, the Leader of the Opposition, who, at the end of the debate on the Trade Agreement, issued a statement to the Press in which he said:

“The vote of the House can be easily misinterpreted, but I trust that when India claim the right of deciding her policy and measures, nobody should grudge that privilege. The true meaning of the vote is that the representatives of commerce and the consumers should have a predominant place in the determination of policy even if the Government of India is a politically subordinate Government.”

Apparently, according to him, in spite of the assertion of some of his followers to the effect that it is directly aimed at British interests, according to his interpretation, it is aimed rather at the lack of power which the commercial and business interests of this country have in the determination of the policy of trade and commerce. That is to be changed in the new Constitution where the Commerce Member will, in fact, be a responsible Minister, and, presumably, through their representatives in the Legislature, the commerce and industry of this country will have a predominant voice in deciding what policy he should follow.

Sir, there is one more point in regard to the general question of safeguards on which I desire to say a few words. My Honourable friend, the Home Member, has already dealt with this matter, but I wish to emphasise the point which he made, namely, that practically every safeguard, which is incorporated in the proposed Constitution, is attributable to direct events which have happened in this country during the past ten years. Sir, I would ask my Honourable friends to try and visualise for a moment the picture which has been before the eyes of the British public and those interested in this matter in recent years. They have seen an amazing lack of unity among the different schools of Indian nationalism in this country; they have seen communal riots on a large scale; they have seen a growth of terrorism in Bengal and a development of that evil to other provinces; they have seen a civil disobedience movement aimed at the paralysing of the administration; they have heard threats of deliberate injury to British trade and commerce and of the repudiation of Indian debts; they have seen an avowed determination of the leaders of the Congress to separate from the British Empire and work for an independence which has no relation whatever to Britain. This is not a picture which I have painted; it is a picture which has been painted by a friend of India himself, Mr. Henry Polak, in an article which he wrote recently, in which he tried to explain to the people of India the position in Great Britain. And every single safeguard which you find proposed in the new Constitution is directly attributable to one or other of the events, which I have mentioned, during the past few years. Sir, it is not necessary to assume that these safeguards will do away entirely with the powers which are intended to be conferred on the new Legislatures and on the

new Government. Sir, I again quote from an article which has recently appeared from the pen of Sir Tej Bahadur Sapru in which he says:

“Without in any way changing my opinion as to the nature and extent of the safeguards in the provinces, but taking a long view of matters and bearing in mind the inevitable growth and development of public opinion, there is, I think, room in the constitution for the growth of certain conventions which may keep in check the use of those safeguards. But these conventions require a proper soil and will never grow unless our legislatures consist of men who will recognise their responsibility to the electorates, who will attach importance to office only as an instrument of doing service to the country, and who will not easily permit any wanton or unjustified infringement of their responsibility.”

So eminent a statesman, with such a national outlook as Sir Tej Bahadur Sapru, has said that, in spite of the safeguards, there is real power which he hopes the people of the country will make use of. Sir, we in these Benches believe that so far from this proposal of the Joint Select Committee showing any distrust of India or showing any timidity in regard to their responsibilities,—and we are as much entitled to our views as Mr. Jinnah is to his,—these proposals do, in fact, show great courage in view of the situation in the world today. There is not only an uneasiness in the public mind in regard to certain happenings in India in recent years in Great Britain, but there is general uneasiness in regard to the real efficacy of representative institutions in a world that is changing so rapidly and in which representative institutions are being displaced by dictators in one country after another. And yet, at this very time, the representatives of Parliament have recommended to this country an enormous advance in the extension of the system of representative Government here. Surely, Sir, that is not a sign of any lack of courage, but a mark of great courage and a great belief in the institutions which have made Britain what she is today and from which the people of India have learnt the elements of their nationalism. And I suggest that to follow the advice of Mr. Jinnah, which is not separable from the advice of the Leader of the Congress Party, and to reject this offer, however unsatisfactory many of its features may be to many of my friends, will be to do a great injury to the real interests of this country.

Sir, we felt sincerely last week that the rejection of the Indo-British Trade Agreement was a great mistake; some of us indeed feel that it was a great folly which was perpetrated by this House. We believe that the rejection of these proposals, we believe that the carrying of the Congress Resolution, we believe that the carrying of Mr. Jinnah's Resolution in respect of its second and third parts, will be an equally great mistake. We believe it will be an action that will not redound to the credit of this country and will make things difficult for a generation, in regard to the settlement of the outstanding issues between my country and Mr. Jinnah's country. . . .

Mr. M. A. Jinnah: We will take the consequences.

Mr. F. E. James: What are the consequences?

Mr. M. A. Jinnah: We will take all the consequences.

Mr. F. E. James: What has he got to take? He is not responsible for the consequences if his motion is carried: if it was within his power to reject this Constitution, what then?

Mr. M. A. Jinnah: I will tell you when the time comes.

Mr. F. E. James: My Honourable friend says: "I will tell you when the time comes". It is something he will tell us in the future: he has not told us today. He is casting aside an opportunity for high statesmanship which, I believe, will not recur again for many years to come. Therefore, we believe, if I may parody the phrase used by Mr. Baldwin the other day, that to carry either the Congress Resolution or the second and third part of Mr. Jinnah's Resolution will be to do the wrong thing at the wrong time and in the wrong way.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member who has just sat down said that it was a great folly committed by this House in rejecting the Trade Agreement. The Chair must point out to him that the use of such language is not in order as it constitutes a reflection upon a decision of this House, and the Chair hopes he will withdraw that expression.

Mr. F. E. James: At your request, Sir, I certainly withdraw that word if I may be allowed to substitute "mistake" which is what I meant.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. President, I have listened with very great attention to the speech that was delivered this morning by my Honourable and esteemed friend, Mr. Jinnah, the Leader of the Independent Party. From the observations made by him this morning, I feel that he has joined hands with the die-hards, the Churchill Group and the Rothermere Press. What did my Honourable friend say in concluding his speech? He said that he did not want this Federation. Mr. Churchill and Lord Rothermere both do not want this Federation. His grievance is that he feels that sufficient powers have not been given in this Federation scheme, whereas Mr. Churchill and Lord Rothermere think that more powers than necessary have been given. My Honourable friend has advised the Indian princes not to come into this trap, because, he said, they have been assured that they would get powers and responsibility in the Centre, and, on that assurance, they were going to join the Federation, whereas Mr. Churchill and Lord Rothermere say: "Beware of this Federation, you are done for if you come into this trap, the Congress will finish you", and this Group has sent telegrams after telegrams to the princes. I have just got a copy of one of those telegrams, which is published in the Press, and that telegram advises the Indian princes in exactly the same way as my friend, Mr. Jinnah, advises them.

An Honourable Member: What do you say?

Mr. A. H. Ghuznavi: You will hear me presently.

This telegram says this:

"More than seven million readers of the *Daily Mail* will today read the following pronouncement in that newspaper regarding the attitude of the Indian Princes. The statement begins: In view of the approaching publication of the Indian Constitutional Bill, extraordinary efforts are being made by executive Government in India to coax, cajole, coerce the Indian Princes into acceptance of its provisions. They are known to view White Paper's policy with alarm and they have every reason for their fear. If they are so foolish as to give consent to it they will prepare their own destruction within three years or perhaps three months of the foundation of the new India. Steps will be taken by the extremist Congress party, who will control the future Indian Government, to deprive them of their position and privileges, and these steps beyond any question will be entirely successful. The princes must act now and must save themselves and India by refusing to associate themselves with the Government policy. They will render one more signal service to British rule in India."

So says my friend, Mr. Jinnah,—they will render one more signal service to British India by not joining the Federation, so that the Government and may not proceed with this Bill. Sir, none of us say that this Federation is good. We have never said that the proposals contained in this document with regard to Federation meet with our entire approval; we have never said that it is going to give us what we all want. What are we to do? Let us take what we get, and then let us fight for more.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Whether it is bitter or sour?

Mr. A. H. Ghuznavi: Sir, my Honourable friend, Mr. Jinnah, told us this morning, that those moderates of moderates of the delegates who were in the Joint Parliamentary Committee presented what is called the British Indian Memorandum on behalf of the British Indian Delegation. What was the result? It was thrown into the waste-paper basket. Now, why did not India as a whole back us up when we presented that memorandum? Did the country give us any lead as to the conditions without which it was not going to accept the Federation? The country did not give us any assistance in preparing that memorandum. The British Government felt that Indian opinion, as a whole, was not behind the British Indian memorandum submitted by the British Indian Delegation. If the country had said that it was not going to look at the White Paper, that it would have nothing to do with the Report of the Joint Select Committee, we could have considered the whole question then. But what is the use to make now a grievance of the fact that the Memorandum of the British Indian Delegation had not been taken into consideration.

An Honourable Member: There is disillusionment now?

Mr. A. H. Ghuznavi: I am not going to give way, so let no Honourable Member interrupt me.

An Honourable Member: Why shout?

Mr. A. H. Ghuznavi: Because you are deaf of hearing.

Now, when we had presented this Memorandum in England, you, Sir, took a very great interest, and there was a good deal of discussion before persuading you also to put your signature to it, because your demands were much higher than our demands. After that, what did we expect? We expected that we would be backed by Indians when we came back to India, but we were not. Who is responsible for the Constitution which is now before the House of Parliament in the form in which it has been introduced? I say, Sir, it is we who are responsible, and not the delegates; it is we, Hindus and Mussalmans, who are responsible, because, Sir, we had not been able to come to a settlement on the minorities question amongst ourselves. Did we present a united front before the British Government? My Honourable friend, Mr. Jinnah, is not in his seat now. What did we do in the First Round Table Conference? Did we not present a united front in the beginning? What was the result? The British Government began to think and think very seriously. What followed? We could not proceed with the work of the Conference, because, to our utter shame, we could not come to a settlement among ourselves. There was no question of the third party intervening, there was no question of the British Government giving an Award. They had asked us to come to an agreement among ourselves, but we could not. Sir, it is well-known who was responsible for bringing about that position.

Before I proceed to tell the House all that happened in the Round Table Conferences, I shall just place a few facts before the House about the minorities question. Sir, ever since the Muslim awakening and Muslim self-consciousness in 1906, came the Muslim assertion of their political rights and claims. Muslims had been claiming community representation. That claim was conceded by the Government in 1909, but not by the majority community. The majority community until the Lucknow Pact of 1916, did not concede this right. This right was extended by the Montford Reforms to certain other minority communities also. This is the first fact. Rightly, or wrongly, Sir, the Muslims and the other minorities have come to attach considerable value and importance to these rights. This is the second fact. Communal peace and goodwill at Lucknow was followed by Hindu Muslim unity and combined political action. This was the effect of the Lucknow Pact and lasted until about 1924. This is the third fact. That unfortunate letter in 1924 sent by the then Secretary of State, Lord Olivier, to my Honourable friend, Mr. Satyapuri, condemning the communal electorates was the first thing that made the Hindu Mahasabha to agitate. That is the origin of the propaganda of the Hindu Mahasabha against separate electorates. What do we see? From 1924 to 1930 the war between the Hindus and the Mussalmans continued. In 1928 came the Nehru Report. That was the last of any hope of coming to a settlement on the communal question. What did the Nehru Report say? It abolished separate electorates and weightage for minorities and conceded reservation of seats on a population basis for ten years so far as Bengal and the Punjab were concerned. This is the fourth fact. This admittedly had the effect of stiffening the Muslim opinion regarding Hindu friendship and led to the formulation, early in 1929, of the minimum Muslim demands which you, Sir, know, and which, later on, came to be known as Mr. Jinnah's fourteen points. This

is the fifth fact. The assertion of the Muslim demand for separate electorates ran on parallel lines with the Congress and Hindu Mahasabha demand for joint electorates during 1929 and 1930, and, notwithstanding serious efforts, it was not possible to come to any agreed settlement before the delegates left in October, 1930, to attend the First Round Table Conference with considerable suspicion in their mind as to the Hindu attitude.

I will now come to what happened at the First Round Table Conference. My Honourable friend, Mr. Jinnah, is not here present to corroborate the facts which I am going to place before the House. On the 9th December 1930, the Premier sent for a few of us to the House of Commons, and, in that meeting, he begged of us to come to a communal settlement. Mr. Jayakar and Dr. Moonje got up and proposed the Premier to arbitrate on these communal differences. Mr. Jinnah got up and said that, if he were the Prime Minister, he would not accept that position to arbitrate. He said that, during the thirty years of his professional life, he never accepted that position and he would request the Premier not to accept that position, but accept the position of a conciliator. The next day, at the Downing Street, we had another meeting, and when Mr. J. N. Basu and the late Sir Provash Chandra Mitter got up and proposed His Highness the Aga Khan to arbitrate on behalf of the Bengal Muslims and Hindus, I accepted it, and if that had been done, today, so far at least as Bengal is concerned, the whole of the communal differences would have vanished as mist vanishes when the sun shines. What did we see? The militant Hindu Mahasabha sent telegrams to India, and particularly to Calcutta, telegrams poured in denouncing Sir Provash Chandra Mitter and Mr. J. N. Basu and saying that they did not represent the Hindu interests at the Round Table Conference and that their only representative in England was Dr. Moonje of the Hindu Mahasabha. Here are the telegrams; I do not want to take your time by reading them. But they were the most insulting telegrams that were ever sent. Otherwise, so far as Bengal is concerned, the communal question would have been a thing of the past. Thereafter, we met at the Premier's residence at Chequers. It was a big conference, we had nearly agreed. The Premier for the first time laid down this principle that the majority in any province shall not be reduced to a minority or an equality. On that footing we went on discussing the communal troubles and we took up the Punjab case first. The Punjab case had nearly come to an end, Raja Narendra Nath accepted the position. I will not forget that fateful night of the 1st January, 1931, when, in spite of the appeal from the Prime Minister to the Sikh delegates to accept the position, they refused because of the two seats more that they wanted to be added to their number. Even those two seats were conceded to them from the quota of the Depressed Classes, but the Sikhs said, "No, nothing doing, we won't have them from the quota of the Depressed Classes, we want the pound of flesh. We want those two seats from the Muslim quota", thereby reducing the Muslim majority in the Punjab not to an equality, but to a minority. That, Sir, is the history as to why we could not come to a settlement about the Punjab in London. Then, the late Sir Muhammad Shafi, although I must say that the Muslims did not agree to the offer that he made to Dr. Moonje that he would accept on behalf of the Muslim community joint electorates on the population basis, Dr. Moonje refused.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more to finish his speech. The Chair is going to enforce the time limit strictly.

Mr. A. H. Ghuznavi: I come from Bengal, a province where the Muslim community is half of India. Surely I want your indulgence in order to put the Bengal case completely.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will not have more than two minutes.

Mr. A. H. Ghuznavi: In that case I will conclude my speech.

Some Honourable Members: Go on.

Mr. A. H. Ghuznavi: Two minutes will not be enough; there is so much to say. However, we came back to India. Then there was the Gandhi-Irwin Pact and Mahatma Gandhi went to England. We all hoped then for a settlement of the communal differences, and, I am sure, he would have succeeded, but he was let down by the militant Hindu Mahasabha. He failed, and the only alternative left to us was that we had to consult all the minorities, and that was the beginning of the Minorities Pact. My Honourable friends, Sir Henry Gidney, Sir Hubert Carr, and two or three members of the Muslim Delegation, Mr. Jinnah, the late Sir Muhammad Shafi—they all toiled day in and day out to bring about a settlement. But that failed. When we could not come to any agreement with the majority community, it was then that we tried to bring about a settlement amongst the minorities. After that, when we came back to India, there was a consultative committee, and both the Hindus and the Muslims informed His Excellency the Viceroy that until there was a decision, call it an award or call it a decision—I am not quarrelling with the word—until we knew our position, we could not proceed with the work that was before us. Telegrams were sent to England. The result was the communal decision or the Communal Award which was announced on the 17th August, 1932. So far I am confining my remarks to Bengal. No opposition was made to the Communal Award until November, 1932. Not a single voice was raised and that has been shown abundantly by Dr. Ambedkar in his cross-examination of Dr. Moonje and my Honourable friend, Bhai Parma Nand, in England. Then came to the Poona Pact. Sir, you will remember that when Sir Harry Haig, the then Home Member, made a statement in Simla, on the floor of this House, about the agreement that was arrived at in Poona, this House applauded it and asked the President to convey to the Government the approval of this House of the Poona Pact. Similarly, in the Council of State, it was applauded. No caste Hindu took any objection whatever, when it was presented also in the Council of State. November, 1932, saw the beginning of this propaganda against the Communal Award—the Poona Pact. In the first place, how are we responsible for that Poona Pact? The Muslim community had nothing to do with the Poona Pact.

An Honourable Member: Who says that you had anything to do with it?

Mr. A. H. Ghuznavi: In the second place, charges are being made that the Poona Pact was done behind the caste Hindu representatives. That has been amply replied to by the Secretary of State when a telegram which he read from Dr. Rabindra Nath Tagore who begged of the Secretary of State to accept that position. Charges were made that the Government was forced to accept the Poona Pact, because Mahatma Gandhi wanted to fast to death. That charge does not hold water at all. Mahatma Gandhi wrote a letter on the 11th March threatening the British Government (here is the letter with me):

"If you make an attempt to separate the Depressed Classes from the caste Hindus, I will fast to death."

The reply is there—that we are not concerned with what you are going to do; we shall do our best after we receive the Lothian Committee's Report, and then we shall make our decision. Therefore, that charge against the British Government that they were induced to accept this position by the threat of Mahatma Gandhi to fast to death does not hold water. Thereafter, in the Joint Select Committee, there was another attempt to bring about a settlement with our Hindu brethren in Bengal. I will read to you and I will conclude after reading this. This was a settlement that was arrived at between me and Mr. B. C. Chatterjee who was representing the Hindu case. Firstly, the proportion of seats allotted on the Bengal Legislative Council to Bengal Muslims and Hindus under the Communal Award to remain subject to revision at the end of ten years. Secondly, the Cabinet to contain equal numbers of Hindu and Muhammadan Ministers. Thirdly, all the services under the Provincial Government to be recruited, from now, in equal numbers in the proportion of 50—50 from the Hindu and Moslem communities in Bengal subject to the reservation of an agreed percentage thereof for members of the European, Anglo-Indian and Christian communities of the province and subject to the candidates of all the communities satisfying a test of the minimum efficiency to be formulated by a Provincial Civil Services Commission. Then the fourth was—the above arrangement between the Hindus and Moslems of Bengal to become operative in the event of the members of the British India Delegation succeeding in having the Poona Pact modified so as to allot to the Depressed Classes in Bengal not more than 15 instead of 30 seats on the Bengal Legislative Council. 24 hours had not passed and this agreement was repudiated on behalf of the Hindus.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must now conclude.

Mr. A. H. Ghuznavi: I shall take only a minute more, and I will finish. Sir, I was very much touched by the appeal that was made the other day by my Honourable friend, the Leader of the Opposition. I hope, Sir, he will succeed where even Mahatma Gandhi failed. If the result of all this is the appeal that I have seen in the *Hindustan Times* today, then I say it is no use hoping for a settlement. This is what it says: "An Electric Bomb" Pandit Nanak Chand on Award: The Communal Award was an electric bomb thrown by the Government to disturb the peace of India. If it was not revised, there would be bloodshed and disturbance of tranquillity from one end of India to another. Concluding, he appealed to the Hindus and Sikhs to offer united front at such a juncture of the political life of India. Sir, one minute more and I have finished.

Mr. President (The Honourable Sir Abdur Rahim): There are other Honourable Members who are anxious to speak.

Mr. A. H. Ghuznavi: I will appeal to this House in the words which Mrs. Sarojini Naidu used in England. She said in her inimitable style and manner:

"I do not think that any single minority, however small, need have any apprehension. Every minority is as much a part of the nation as every majority, and I, for one, pledge myself to follow the exhortation given to me by one of the greatest statesmen in Europe, whose boast is that he built up an independent nation without an army and without money. He said to me two years ago 'Madam, keep your minorities happy; you cannot build a nation without giving a sense of security to your minorities.'"

I say, Sir, Amen, keep your minorities happy and thereby ensure an early agreed settlement.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is needless for me to say that I rise to support the amendment that was moved the other day by the Honourable the Leader of my Party in the magnificent speech that he then delivered. I am aware of the magnitude of this problem and I assure the Honourable Members of this House that I am approaching it with a due sense of responsibility. I also assure them that I do so with profound humility. I am conscious of my limitations and also of the large issues that the problem involves.

Sir, to us in particular the question is of more than academic interest. We, Sir, have concentrated upon this question for several years to the exclusion of everything else, and some at least of my friends here, and many of those outside, have sacrificed their all for the attainment of that object which is supposed to be covered by the Joint Parliamentary Committee's scheme. There are people, Sir, who are thriving under the present order, but for us the prolongation of the struggle means the prolongation of our trials,—and greater austerity in life. We would, human nature being what it is, be prompted by the self-regarding instinct to accept any proposal or scheme that could serve the purpose we have in view. Sir, it is painful to us that we have to reject this scheme. I had the privilege to read this morning what the Right Honourable the Secretary of State said in his last speech in the House of Commons and also of hearing what the Honourable the Home Member and Mr. James stated in their speeches before lunch. I also gave great attention to what the Honourable the Commerce Member told us yesterday. Sir, if we still adhere to our position, it is not because of any obstinacy. The arguments I have heard have strengthened my convictions further. We feel that nothing else is possible in the circumstances, and we have to carry on the struggle. We are conscious of our responsibility, as I just observed. Sir, we do not know how far our vote will influence the decision of Government here or of Parliament in England, but we do know that our decision will have repercussions in the remotest hamlets in this country. We are certain that it will influence the course of events and the course of history for some years. Sir, even now, how very painful it is to us that our colleagues, our respected leaders like Pandit Jawaharlal Nehru, should be confined in jail while his wife is

in the grips of tuberculosis and his old mother is suffering from paralysis! Would we not like to secure for them the healing balm of his presence? Sir, we know the continuance of this struggle involves all these sacrifices; but our self-respect, the requirements of the country and the requirements of the world situation today do not leave any other alternative to us. Sir, there are some people who have luckily a conscience and a judgment which agree with what conduces to comfort, to convenience and to profit. In the case of some lucky people, the path of duty coincides with the path of profit, the path of plenty, the path of comfort and the path of titles. But there are some other people in whose case the little voice within them does not point to that way. Sir, the other day, two friends, who sit near me, stated that this negative attitude was wrong. I do not know what they exactly meant by "negative attitude". So far as the Honourable the Baronet from Bombay is concerned, I believe he represents the Liberal Federation, and the Liberal Federation, with his very weighty support, I believe, has passed a resolution recently asking the Government in England to stay its hands and not to proceed with further legislation on the basis of the scheme adumbrated in the Joint Parliamentary Committee Report. So far as the Honourable representative of the Millowners' Association of Bombay is concerned, I believe that all the commercial bodies and organizations in the country have passed resolutions from one end to the other rejecting this scheme *in toto*. Now, if we prefer to be guided by these organisations against the opinions of these individuals, we are not to blame. If we find ourselves more in agreement with the leader of the Party to which the two gentlemen happen to belong, than with them, we are not sorry.

Sir, I had, as I said, the privilege of hearing the Honourable the Commerce Member yesterday—I would rather say Sir Joseph Bhore, for he did not pretend to speak in his official capacity. Sir, I admire his eloquence and appreciate his lucidity, but if he will permit my saying so, his speech seemed to me to be like that of a pettyfoggish lawyer. It did not suit him, it did not suit the great occasion on which he was speaking. He cited something from that great man, Abraham Lincoln, but left out a part from that sentence. Sir, he put some questions to us which we would be glad to reply to. He asked us: 'what will you do if you reject this scheme?' Well, Sir, this defeatist mentality, this spirit of utter despondency, did not at all fit in with his reference to Abraham Lincoln. Sir, the very name of Abraham Lincoln gives the answer to it. "Men are made to fight manly battles, for truth, for freedom, for that which is right, for that which is sublime, for that which raises suppressed humanity above the plough of tyranny". That, Sir, is the essence of the message which Abraham Lincoln has left for all of us, and that is my answer to the question he put. But, may I put another question to the Honourable the Commerce Member? Does he not remember what the country did when the Simon Commission made its Report? Did it not throw out that Report, and was not that a negative attitude? Then, may I also put it to him as to whether, in the history of nations, resistance to that which is harmful and pernicious, is not a necessary step? Sir, I would like to put another question to him. Supposing a scheme had been foisted or contemplated by the British Parliament that was actually reactionary and harmful, what would he advise us to do? Would he advise us to accept it or would he advise us to reject it? When we

[Pandit Govind Ballabh Pant.]

feel that the scheme will spell disaster, it will take the country back and that it will hamper our progress onwards to the goal of Swaraj, what other alternative is left to us except to reject it *in toto*? Has gave a quotation from Abraham Lincoln, which was not complete, and I make compensation for that by citing another extract:

"You may fool some people for all time and all people for some time, but you cannot fool all people for all time."

Sir, the Honourable the Home Member again repeated today what the Honourable the Commerce Member had said yesterday. He told us that the safeguards have been devised in this manner because of the attitude of the Congress. I do not understand the position of the Government. Do they admit, then, that the Congress holds the key in the country? Do they accept that no scheme can work here without the support or co-operation of the Congress? If not, then why unnecessarily and mischievously drag in the name of the Congress? But, Sir, I make bold to say that the statement of the Honourable the Home Member is incorrect; it is belied by the course of events and is against the facts of history. The Congress first adopted its scheme of non-co-operation and civil disobedience in 1920 and 1921. Again, in 1930, the Congress launched its campaign of civil disobedience and it reached its height and hey-day in that year. It was just after that that the Round Table Conference assembled. It was exactly after that that the announcement was made by the Prime Minister, who still continues to be the Prime Minister in name, if not in reality, to the effect that the Dominion Status was already in action in this country and, in so far as there was any deficiency he was determined to make up for that, so that India might be a full and free dominion. Then, Sir, it was publicly acknowledged here by many of those gentlemen who had gone to the Round Table Conference on their return from England that whatever progress had been made there, it was due to the Civil Disobedience Movement in this country. The truth lies just the other way: to the degree the Satyagraha and the non-co-operation movement slackened, to that very extent the attitude of the Government hardened. As the Civil Disobedience Movement became weak, they went back upon their promises and made all sorts of amendments in their original scheme with a view to taking away whatever reality there was in it retaining only the hollow mask. The Honourable the Home Member told us that the Congress repudiated the obligations. Is that quite correct? Did not the Congress say that it would examine the obligations and would pay every pie of what is legitimately due? What the Congress repudiated were those claims which had no moral basis and for which no country and no nation would be held liable. But may I not ask the Honourable the Home Member if many countries have not repudiated their obligations today? If England itself has not utterly failed to pay its dues to America and if other countries have not failed in the same manner? Sir, the Honourable the Home Member said that it was because of the Congress that the safeguards have been devised. I ask him why was it that the safeguards were devised in Egypt? May I point it out to him that the words "too late" are written in blazing words in the history of England? Whenever the question of responsible Government and of advances towards self-government arises, the British people adopt an attitude of suicidal dilatoriness. That is what they did in the past. Had

they listened to the representatives of the Quakers regarding the Stamp Act and the Tea Cess Act, perhaps the history of the world would have been different and their relations with the United States of America on a different footing. The War of Independence would not have been fought. Had they listened to the advice of Gladstone and adopted the proposals of Parnell, Ireland would not have been in the sullen mood in which it is today. Had they granted Self-Government to the Union of South Africa before the Boer War, that massacre would have been avoided. Had they not allowed things to deteriorate in Canada and had they not allowed the differences and the cleavages between the British and French to grow deeper and wider, there would have been no revolt. Does not history establish that in every case the Britishers have hampered and resisted the growth of self-government to the last moment submitting to the inevitable only when forces beyond their control forced their hands.

We have been reminded of our communal differences. This bogey is placed before us in order to confound us. Is it not a historical truth again that in every country such differences are an inseparable attribute of foreign rule? I would remind the Honourable Members opposite of what Lord Durham said in his Report on the eve of the conferment of Self-Government on Canada. The French and the British could not play a football match for fear that it might lead to murders and other outrages. Sir, we know that the Dutch and the British were fighting like cats and dogs in South Africa before the Constitution of the Union of South Africa. We know that in the United States of America, before the War of Independence, the Northern and Southern Counties were always at logger-heads with each other. History shows that in every place foreign rule fomented differences. I will not go further, and, so far as our country is concerned, I will only refer to what responsible statesmen like Wedgwood Benn stated in 1930 and what the Earl of Salisbury has said in this very Report. Sir, one could quote many chapters and verses in this matter, but this is not the proper time for that. But I would make a suggestion to the Honourable the Home Member. I would ask him to withdraw his scheme and leave it to this Assembly to devise a scheme for self-government for this country which will carry with it the support of everyone of the important communities in this country and along with that the support of an absolute majority of this House. Is he prepared to leave it to the good sense and to the judgment of the majority of every single important community and to the absolute majority of this House? If he is, then I ask for nothing more. If he does not accept this, I will make another "constructive suggestion".

The Honourable Sir Henry Craik: How can I possibly withdraw the Bill?

Pandit Govind Ballabh Pant: You can recommend its withdrawal. I only want your support.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already exceeded his time.

Pandit Govind Ballabh Pant: It is difficult to do justice to the subject within the time allotted. Moreover, I am the only member of my Party who has spoken today till now.

Mr. President (The Honourable Sir Abdur Rahim): But there are a number of other speakers.

Pandit Govind Ballabh Pant: It is for you, Sir, to regulate the business. Earl Lytton has given a scheme in this Report, and I ask the Government to accept that scheme and make it the basis for the growth of representative and responsible Government in this country. It is given in pages 302—308 of Part II of the Report. He does not want to reserve any subject but to restrict the Central Federal Assembly to the representatives of the various Provincial Governments. My test is simple. Does the Joint Parliamentary Committee scheme satisfy the self-respect and the national pride of the people? We cannot forget that India in hoary days furnished the pillars on which the edifice of civilisation rests. How can we tolerate the place of pariahs in the comity of nations? Even in the British Empire, the Indians are treated as dregs wherever they go. We are looked upon with contempt, with derision and with scorn. There may be a compromise in matters mercenary and material, but there can be no compromise in matters spiritual and affecting our self-respect. I claim and I demand the right to be treated as a full citizen not only of free India, but of a free citizen of the comity of equal nations of the world. So long as the present attitude of mind continues, there can be no progress. Mr. James referred to the world situation. It is exactly what I would also like to refer to. It seems to me, Sir, that the present Secretary of State and his companions are, temperamentally and constitutionally, unfit to deal with these large problems. They look at them from the insular point of view. Their outlook is diseased and their angle is inverted and obtuse. I say, Sir, that the world requires large minds to deal with these matters. Sir Samuel Hoare is an estimable, honest Englishman, and, as such, it is his inveterate conviction that only God's own Englishmen can shepherd the heathens in other lands. It is that spirit of arrogance which stands in the way of a settlement of these large problems. The stubborn facts and realities have to be accepted even by the mighty. Imperialism had had its day. There is no place for it now. The dynamic world is moving forward at a tremendous speed and the standards of ante diluvian age are no guide for today, and men should learn to approach large problems in a different spirit, and unless they do so, they cannot achieve any concrete results. In this Joint Parliamentary Committee scheme, there is not the least iota of advance. In fact, it goes back upon all the previous promises. We have been asked to trust to the goodness of those who will administer this Act. If we could assume that reasonable men will act reasonably in all times, then the very need for Government would cease. If men could always be reasonable, then there would be no need for any restraint, much less for organised Government. But what is the history of safeguards? I would refer only to one country.

Honourable Members must be knowing that Egypt was declared a sovereign State in 1922, and only a few safeguards were imposed,

and, according to one of them, the Constitution could be suspended at the instance of the British Adviser to King Faud of Egypt. What has been the result? Practically the Constitution has been in suspense during the last fourteen years. In 1928, it was suspended for three years, and it was suspended again. That is the history of safeguards. In this very Act, we find an absolute negation of the previous promises, a repudiation of solemn pledges. In 1917, Parliament made a declaration that progressive realisation of responsible Government in British India was the goal of British policy. That declaration was embodied in the Act of 1919. It was also included in the Instrument of Instructions, yet this Joint Parliamentary Committee Report says—I refer to pages 14 and 15, para. 35—that responsible Government for British India is an impossible proposition, not only now, but for ever. There it is. You see the honesty, the straightforwardness and the dependability of the plighted word, most solemnly given, by the Sovereign and by the Parliament! What is the advance? I leave aside the safeguards. I will not talk of many things that have been referred to.

I will refer only to one or two other points and then close my speech. Irrespective of the retrograde changes in the Constitution, irrespective of the bi-cameral nature of the Provincial Legislatures, irrespective of the added powers that will now be vested in the Second Chambers in the Centre as well as in the provinces, irrespective of the fact that the Lower House will contain one-third of the princes and the Upper House 40 per cent., and that in both of them the so-called representatives will not be responsible to anybody, irrespective of the fact that the Services will continue to be under the Secretary of State, irrespective of the fact that the Ministers will not have the authority even to give advice in matters appertaining to the posting of the members of all-India Services, irrespective of the fact that they will have no voice even in the amendment of the police rules, I ask, is the quantum of power that is to be transferred to the Legislatures hereafter likely to improve the position of Indians? Today, in the Government of India, we have three Indians. They have their voice in the administration and control of the Army and external relations, ecclesiastical affairs, etc. According to the present Constitution, the Governor General in Council including three Indians has the power to superintend and control the military and civil administrations of this country. They have also their voice in all matters pertaining to legislation, to finance and everything else. But what will be the effect of the proposed changes? Let us take first the field of administration. So far as the Army, so far as the external affairs, so far as the ecclesiastical relations and other things included in what are known as the discretionary powers of the Governor General are concerned no Indian will have any say or any voice, and it will not be the case of a national dictator, but of one, a dictator in relation to us, but subordinate and responsible to a foreign people and to a foreign Government and to a foreign Parliament whose interests clash with our own.

Next, take the case of legislation. What is the present state of affairs? This Assembly has plenary powers of legislation. It may pass any law, it may pass any Bill, it may deal with any matter that it chooses; but, hereafter, several matters will be placed altogether beyond

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and outside the purview of this Legislature. Again, Sir, at present, the Governor General's power of legislation extends only to matters affecting tranquillity and peace; and, there too, the Governor General cannot in fact make any law unless it is sanctioned by His Majesty in Council. Hereafter, the Governor General will be free to legislate, almost without any restriction, in respect of all matters pertaining to the reserved subjects, pertaining to discretionary powers, pertaining to matters coming within the wide purview of his special responsibility.

Take the financial provisions. At present, this Assembly has the power of voting or not voting demands for grants for all departments, excepting the army, external relations and ecclesiastical. But, hereafter, the Assembly will not only have no authority to deal with these matters, but many others will be excluded from its purview.

Similarly, in the provincial field, so far as the Montford scheme goes, it makes a clear distinction between the transferred and the reserved departments. In respect of the transferred departments, the Governor has neither the power of legislation nor of certification nor of control of services, but, hereafter, his power will be extended to all those departments. There is dyarchy in the provinces with this difference that while the Montford Report divided the house of administration into different compartments with thick walls in between and gave some rooms to the transferred departments under the Ministers and others to the reserved departments under the Executive Councillors with separate entrance for each. Hereafter, too, these walls will continue to stand as they are, only the plaster is to be scraped out, and every room is to be divided horizontally, the upper storey being reserved, for another storey is to be cast with other rooms above, and that is to be made over to His Excellency the Governor with a staircase leading from each to the room below. If dyarchy had a vertical aspect up to this time, it is to be vertical as well as horizontal hereafter.

So, from whatever point of view we may look at it, the scheme is a monstrosity; and, I submit, that such a disingenuous fraud has never been committed in the name of constitutional advance in any country before.

Sir, I will not say more, but will only say this. Gentlemen ask us what we will do. I say nations are by themselves made. I say the right of self-rule is to be asserted, achieved and accomplished; it cannot be the gift of one country to another. So we will devise all the sanctions that we possibly can, for the acquisition of that which, by the law of man and by the law of God, belongs to us. I hope we will succeed within a few years. Sir, we were told that Sir Samuel Hoare was only solicitous of the interests of this country. I have his speech before me, delivered at Chelsea in 1933 to his constituents, in which he said that he had been promoting his scheme with a view to safeguarding British interests, so that a Socialist Government might not give them away when it came into power. This is the key to all the

solicitude shown by the present British Government for "our" interests. Sir, the Secretary of State hardly worries or bothers about our opinion. We know full well what he thinks of us. But I say

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has taken 35 minutes already.

Pandit Govind Ballabh Pant: The apple cart that he has tacked on to his caravan will break on the way, and if it does not, the mules attached to the caravan will take the apple cart and along with it the caravan down the precipice.

Raja Bahadur Harihar Prosad Narayan Sinha (Bihar and Orissa: Landholders): Sir, the matter has already been discussed at great length, and in view of the shortness of time, I wish to deal with the recommendations contained in the Joint Parliamentary Committee Report chiefly in so far as they affect the Zamindars. In the general scheme of representations of various interests in the Provincial and Central Legislatures, the Zamindars have not received the consideration to which they are entitled. In Bihar, in the Provincial Assembly, under the New Constitution, they have been given a totally inadequate representation in spite of the large increase in the number of seats compared to what it was under the Morley-Minto Reform and the Montford Reform under which the total strength of the House was 21 and 75, respectively. With the proposed increase in the number of seats in the Provincial Assembly from 75 to 152—an increase of more than centum per centum, the landholders receive no addition to the number of seats allotted to them. They still have only four seats. They repeatedly represented that the number of seats allotted to them was inadequate. The votes of four landholders' representatives in a House in which there are 152 Members cannot conceivably have any value even as a gesture of protest.

The proposed composition of the Provincial Council in Bihar is not likely to achieve the purpose which it is intended to achieve, viz., to create an effective machinery giving advantages of revision and delay.

In Bihar, out of a total of 80 seats in the Legislative Council, no less than 12 are to be filled by election by the Legislative Assembly, which means that almost one-half of the Legislative Council is no more than a reflection of the political opinion of the Lower House and it is not at all unlikely that a situation may be created in which a caucus of the Lower House may sway the decisions in the Upper House; whereas, it is absolutely essential that the latter should not be in a position which may even remotely bring it under the political sway of the Legislative Assembly. The principle of indirect election, whatever its merit in other Legislature might be, strikes at the root of independence of the Legislative Council, and I beg to submit that it should be abandoned in Bihar, since there is no indirect election so far as the Legislative Councils in Bombay, Madras and U. P. are concerned. Indeed, the scheme not only does not give those who have the greatest stake in the country adequate representation, but it further reduces them to a state of complete political paralysis by making the Legislative Council entirely subservient to the Legislative Assembly.

[Raja Bahadur Harihar Prosad Narayan Sinha.]

In regard to the Central Legislature, the argument advanced in favour of increased representation for landholders in the provincial Lower House applies with greater force in the case of the Federal Assembly. There only seven seats are proposed to be allotted to Zamindars in a House of 375, viz., 250 allotted to British India and 125 to nominees of Rulers of Indian States. Inadequacy of representation could go no further. Bihar secures one of the seven seats, and even if landholders in Bihar and the other provinces make common cause in cases where their special interests are imperilled, it would be nursing a delusion to expect the landholders' combined vote to produce any appreciable result. If Indian States are to be given 125 seats, the landholders in British India, who play no mean part in the economy of the country, should certainly have a considerably larger number of seats than what the scheme allots to them.

Having regard to such an inadequate representation of the vested interests in the Legislatures in the proposed Constitution, the question of an adequate safeguard for Permanent Settlement becomes all the more important.

It could be conclusively proved that the object, which the authors of the Permanent Settlement had in view, was based on political, social, economic and financial considerations. It was realised by the Administrators of those days that neither the annual nor the periodical settlements afforded security to the land revenue or was conducive to the welfare of the cultivators. It was, therefore, introduced not on the impulse of the moment but after very careful and matured deliberations not only in India but in England also, as will be clear from the official records that were published from time to time. This settlement was in the nature of a contract on due and adequate consideration; and, if I may say so, embodied something like a treaty right between the Crown and the Zamindars, who, since then, have invested large sums of money on the reclamation of waste lands and various other works of improvement on the security of tenure assured by the sovereign authority. It was a measure calculated to develop the resources of India and ensured, in the highest degree, the welfare and contentment of all classes of His Majesty's subjects. The ancestors of many of the present landholders purchased property by way of investment with their hard-earned money on lands under the above conditions.

The Joint Parliamentary Committee Report also at page 218, para. 372, says:

"The effect of this settlement was to give a proprietary right in land to the class described as Zamindars on the understanding that they collected and paid to Government the revenue assessed on the land which was fixed at rates declared at the time to be intended to stand *unaltered in perpetuity*."

We feel that the only method by which the status and the assured right of the Zamindars could be maintained unimpaired is to make suitable provision in the Statute, maintaining the inviolability of the Permanent Settlement and its perpetuity. If this safeguard is not there, the Provincial Legislatures might presume to exercise powers in modification of the Permanent Settlement. I may add that having regard to the solemn pledge and the binding contract, it is no longer open to any authority, however great, to seek to alter or modify the Permanent Settlement. We further view, with grave apprehension, suggestions in

the Joint Parliamentary Committee Report of indirect taxation on land and Succession Duty, which, in other words, may be called Death Duty, which is calculated to encroach upon the Permanent Settlement and is bound to lead to disastrous consequences. Sir, in Bihar as well as in Bengal the Permanent Settlement is the foundation on which the economic fabric rests. Take this away and the entire economic system crumbles to the ground. We are surprised that in the Report of the Joint Parliamentary Committee the Zamindars are relegated to a worse position than Taluqdars, Inamdars, etc., as it is suggested that in the case of the latter the previous sanction of the Governor General in Council will be required before the introduction of any measure in the Legislature which might affect their position.

In any case, I beg to submit that the inviolability of the Permanent Settlement should be placed beyond any shadow of doubt.

I must also voice the sentiment of the people of Chhota Nagpur that they greatly deplore, as we do, the fact that even after three quarters of a century they have not been given the benefit of enlightened administration such as obtains in other parts of the province. We regret that with all the progress that it has made, it has been condemned to be kept in a state of backwardness. Although continuance of representation in the legislatures is assured to them, there is practically no improvement in their status, which should be on a line with other parts of the Province of Bihar. This matter deserves reconsideration.

Sir, I would be the last person to ignore the rising tide of new ideas, particularly in the realm of social reform, but it would be doing a disservice to the spirit of reform if I were not to point out the dangerous potentialities of attempts to reform by legislation.

It seems to be necessary, therefore, to have a definite provision in the new Constitution against the introduction in the Legislatures of any measure, which, however laudable its aim, interferes with the religious beliefs and susceptibilities of any community.

Sir, I beg to endorse the statements of those who have protested against the omission of any reference to Dominion Status as the goal of India's political effort. Time and again, responsible officers of the Crown have given India the pledge of "Dominion Status" and it is not surprising, therefore, that we, in India, regard the omission of any reference to Dominion Status as serious violation of these pledges.

I do realise, Sir, that the scheme has been prepared in an atmosphere surcharged with much mistrust, much class animosity, much communal tension. This is also one of the strong reasons for the Zamindars to demand safeguards in unequivocal terms for their protection in regard to their vested right in Permanent Settlement and strong representation in various Legislatures, which, I hope, in all fairness and justice, should be acceded to by Parliament. We also hope, Sir, that the responsibility in the Centre will soon be ushered in to meet a legitimate and insistent national demand and afford scope and opportunity for constructive work on a large scale.

Let us hope, Sir, that this unfortunate situation resulting in the unwelcome Communal Award on the one hand and the Poona Pact on the other, will soon end and that mutual distrust will soon transform into mutual co-operation and trust, affording grounds for much bigger national advance.

[Raja Bahadur Harihar Prosad Narayan Sinha.]

In conclusion, Sir, I beg to say that the proposed reform may be taken as an advance over the existing Constitution in some respects but it has serious defects which should be remedied.

Speaking on behalf of Zamindars, Sir, I say that they in the past have tried to work the Morley-Minto and Montford Reforms inspite of deficiencies in those schemes and I hope and trust that they will not lag behind in working the new Constitution in the best interest of the country and of good Government. But to arouse any enthusiasm in them and to make them capable of contributing effectively in the working of the future Constitution, it is necessary that their legitimate grievances should be considered and that their constructive criticisms and proposals should receive attention. The whole thing depends upon where and in what position they are placed in this Constitution.

Mr. S. Satyamurti: Sir, we have had three speeches from the three occupants of the front Treasury Benches, and yet we have not heard what is the exact opinion of the Government of India on this Bill. If they really decided that this House should accept the Bill, why did they not table a motion that this House do accept the Joint Parliamentary Committee Report? If convention prevented them from doing so, why did not some of the supporters of the Government in this House table a motion that this House do accept this Report and this Bill? The reason is obvious: they dare not put it before this House: they know—none better—that if acceptance came before this House, it would be rejected by an overwhelming majority. That is why they have ventured to fish in troubled waters, and I should like to ask the Government whether they are going to vote on this motion. If they do, they will be playing a dirty trick in this House. They have said, that Parliament wants the opinion of the people of this country: and what right have these automatons, who dare not vote against the Secretary of State, to come to this House and load the dice against the opinion of the House by casting their mechanical 26 votes in the balance? It is unfair; it is not right; but I saw the Official Whip very busy since the morning, and I see, therefore, that the Government have made up their minds to load the dice. Let Parliament know this unfair game played on the floor of this House.

Taking the amendments, all of them practically amount to rejection, excepting the Bengal amendment from the Honourable Mr. Ghuznavi and the Honourable Mr. Mody's amendment from Bombay. They, at best, amount only to a counter-offer, which has already been rejected and which they know will again be rejected. Therefore, there is no atmosphere of acceptance of this monstrous Bill in this House or in the country. Major Atlee, Sir, moving the Opposition amendment to the second reading of the India Bill in the House of Commons, said:

"Mere acquiescence or passive acceptance did not make any Constitution a success. A Bill which did not secure goodwill, acceptance, and co-operation of Indians was not a Bill for the satisfactory Government of India and did not deserve the support of this House."

Sir, I cannot put it better to this House than in those words.

Then, the Honourable the Commerce Member, Sir, with that suaveness which was worthy of a better cause, urged this House to give a lead to this country. I would respectfully remind him that the country has already

given a lead to this House. The Congress went to the polls on the definite issue of the rejection of the White Paper, and lakhs of people voted for us. The Congress Nationalists also went to the polls on the same issue, as also the members of the Muslim Unity Board. Practically all those who urged the acceptance of the White Paper have fallen in the electoral contests. They may have fallen "in honourable cause of co-operation", in Sir Samuel Hoare's words, but they have all fallen. Where are the champions of the White Paper on the floor of the House? Did they dare to go to the electorates saying they accept the White Paper? There is not one Indian who dare tell any public meeting or any electorate "accept the White Paper". They all say "there are defects here and there are defects there", and nobody say, "accept the White Paper", and, therefore, I suggest that the country has given a clear lead in this matter.

My Honourable friend, Sir Joseph Bhore, talked of the past history of the Civil Disobedience Movement and said it had failed. They have eyes and do not see, and they have ears, and do not hear. What did Lord Lloyd say? He said that the movement was within an ace of success. Did not Lord Reading confess the other day that he spent sleepless nights and anxious days when Mahatma Gandhi was in the height of his power? The Gandhi-Irwin Pact is also an answer to my Honourable friend. Sir, the movement has not failed. There is no failure in a nation's fight for freedom. ("Hear, hear" from Congress Party Benches.) We have no faith in getting something better from the British Government. We have no belief a change of Government there will make things better for us but, in the words of the Congress resolution, we prefer to struggle under the existing Constitution, humiliating and intolerable as it is, for, in the measured words of the Honourable the Leader of the Independent Party the proposed Constitution is more humiliating and more intolerable than even the present one.

Now, to trace the safeguards to the Congress is incorrect. It is inevitable in a country's struggle for freedom. You blame the Civil Disobedience Movement, but who are the real authors of the Civil Disobedience Movement? General Dyer, Sir Michael O'Dwyer and all the tyrannies of this Government created the atmosphere for civil disobedience in this country (Hear, hear.)

I am told that we must trust the spirit of the new Government. Sir I judge a tree by its fruit. The other day, this Honourable House passed a decisive vote rejecting the Indo-British Pact. What does the Honourable the Commerce Member do? What is the spirit? Does he respond? Again, the other day, the House passed a vote asking for the release of Mr. Sarat Chandra Bose, and for the removal of the ban on the Khuda Khidmatgars' Association. What does the Honourable the Home Member do? Does he respond? We know this Government will not respond. They have not the imagination, the sportsmanship, the courage, and, therefore, we believe that their successors will do no better than they.

Then, the Honourable the Commerce Member ended his speech by merely saying, "you can get nothing better, therefore, accept it". I say Sir, we can get nothing better, and, therefore, reject it for the time, in the hope that you will generate sanctions in this country to force something better. (Hear, hear.) And my Honourable friend quoted Abraham Lincoln. I do suggest to him that he ought to respect the memories of great personages a little more carefully. To misuse a great name, to omit the pregnant words,—“Government of the people, by the people and for

[Mr. S. Satyamurti.]

the people", is an outrage on our intelligence. The Honourable Sir Joseph Bhore did not use those words deliberately, I suggest, because he knew that in this Bill there is no Government by the people at all, there is no Government for the people but plenty of Government of the people, that is why he did not dare to quote those words.

Then, he asks, what is the alternative? There are many. There is the alternative of the Congress demand for a Constituent Assembly which, in answer to the Honourable the Home Member, I now re-iterate on behalf of the Indian National Congress. We believe profoundly and sincerely in a Constituent Assembly. We believe we can forge sanctions to get it from the Government. We have also a number of other alternatives, the Dominion Constitutions of other countries, the Nehru Report, the Joint Memorandum of the Indian Delegation to the Joint Parliamentary Committee, Major Atlee's Draft; all of them have been rejected.

The Honourable the Law Member said that if Federation is dropped, the Bill must be dropped. Let it be. If this Federation and if this Bill are dropped, they will die, I assure you, Mr. President, unwept, unhonoured and unsung.

About the Federation, my friend, the Leader of the Independent Party, has exposed its pretensions, its hollowness and its unworkability so thoroughly, that I entirely agree with every word of what he has said. But I only want to draw the attention of this House to a resolution passed by the Princes Chamber, in which they said:

"The Chamber also wishes to emphasise that the inauguration and success of Federation will depend entirely on the goodwill and co-operation of all the parties concerned."

We are a party to this Federation, and I, therefore, beg of them most earnestly not to come into this Federation. Our goodwill is not there. Then we are told that this Constitution is an advance that it is not retrograde. I venture to prove in a very few words to all unprejudiced Members of this House, that this Constitution is not only not progressive but is positively retrograde. Taking the provinces first, there are no Second Chambers there now, but hereafter there will be. The Governors in the provinces have no power of legislation, except in regard to Reserved subjects, but under certain very well defined contingencies. Hereafter, Governors can make (1) Ordinances during recess of Legislatures, independent of the Legislature; (2) the Governors can make Ordinances in respect to their special responsibilities which the Legislatures cannot touch; (3) the Governors can enact Acts permanently and place them on the Statute-book. Sir, I ask the Honourable the Leader of the Independent Party whether that constitutes an advance in the provincial sphere or whether it is not retrograde?

Then, Sir, even the rule-making power of the Legislature can be taken over by the Governor. In respect of Finance, the Governor can now certify only in regard to reserved subjects. Hereafter, he can put whatever sums he likes in the Budget; and no Bill which involves any expenditure from the revenues of a province can be passed by a Provincial Legislature, except on the Governor's recommendation. Even police rules are in the Governor's special powers, and the Governor will take over all the functions in certain contingencies. Practically, in eleven provinces, we shall have eleven autocrats functioning on their own responsibility, in their own discretion and in their own individual judgment.

155 Then, coming to the Federation, Sir, I take it that it will be conceded that the power of voting supplies is a crucial test of the powers of a Legislature. Today, the Assembly alone can deal with the Budget. Hereafter, both the Assembly and the Council of State will have equal powers, whenever the Governor General so directs, and in case of difference of opinion, the majority of both Chambers decides. In this connection, the composition and the manner of election to these Legislatures become important. We shall find that in a joint meeting of 635 Members, there will be 229 nominees of the Indian States, and taking the other 156 of the Council of State to be normally reactionary, we shall find only a maximum strength of 250 progressives in an Assembly of 635 Members. We are now having direct election. We are being deprived of it. The Government of India say they are helpless, and yet they ask us to accept the scheme. The figures are staggering, and, in the proposed manner of indirect election, Sir, in communal compartments on the principle of proportional representation, four to eight or nine men can send Members to the Legislature. We now represent lakhs of voters here. Hereafter, there will be pocket boroughs, not even pocket boroughs, but waist-coat pocket boroughs, in which you can put down eight Members or four Members who can return one each to this Council. Is this or is this not a retrograde scheme? Then, the franchise for the Council of State is bound to be much narrower. The arguments against indirect election are many and serious, but I want to mention only one argument, Mr. President, given by Lord Reading and four other members of the Joint Select Committee. The provinces will, in effect, be able to control the Central Legislature, and, therefore, the Ministry. It will aggravate the tendency to provincial separatism and endanger the unity of India. The system inevitably opens the door to corruption, and even dissolution of the Central Legislature will not bring about any change in its composition.

When we ask for adult franchise, we have this monstrous gift of pocket, gerrymandering boroughs. Indeed, the Right Honourable the Secretary of State and the Right Honourable Mr. Amery have said that they have no idea of introducing democracy or responsibility in this country. Hereafter the Governor General, who can now make only Ordinances for six months, subject to the jurisdiction of this House, can make Ordinances of two kinds and can make Governor General's Acts. The Reserve Bank of India will be the real ruler of India in finance and currency. It will be an outpost of the City of London in India. The whole of India will have no say in the matter of the ratio or in the matter of opening the mints for coinage. The Federal Railway Authority will be absolutely independent of all control by the Federal Legislature. Indeed, no Bill or amendment making a provision for regulating the rates or fares to be charged by any railway shall be introduced in either Chamber, except on the recommendation of the Governor General. Is this or is this not retrograde?

The Honourable the Leader of the European Group said that commercial safeguards are no better than what any ordinary business prudence will dictate. I put to him a dilemma. Does he concede that Indian businessmen have ordinary business prudence? Then, these safeguards are unnecessary. If he says, they have no ordinary business prudence, he insults them. Then, he says, the parties should overcome communal differences. I make a sporting offer. Will the Bengal Europeans come to our rescue and surrender the ill-gotten gain of eleven per cent. of the seats, so that the Hindus and Mussalmans there may come to a settlement? He says,

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✓ have you produced a scheme agreed to by all parties? Now, I ask a question. Will Mr. Stanley Baldwin, Mr. Winston Churchill, Mr. Lloyd George and Mr. George Lansbury produce an agreed scheme for the government of Great Britain? (Hear, hear.) Then, my Honourable friend quoted the Right Honourable Srinivasa Sastri. I will quote him:

"No, Sir. It is impossible for the Liberal Party to give an atom of co-operation. Co-operation with friends that wish well of us may be worth-while, but co-operation with those who have displayed their utmost distrust of us, who do not care for our views and demands and who enact a constitution in utter disregard of our wishes, what is co-operation, then, I ask. I would call it suicide."

On the question of Burma, I only want to say that the question of separation is for the people of Burma to decide, but if I may respectfully tell them, this Constitution that is offered to them must be rejected by them as unworthy of being accepted by an independent Burma. (Cheers.)

On the Communal Award, I do not want to say a single word which may exacerbate feeling, but I want to tell all the communal leaders here and elsewhere that if they do not settle this matter today, or as early as they possibly can, honourably and peacefully, posterity will not forgive them. They will be charged as betrayers of their country's great destiny. (Interruption by Seth-Haji Abdoola Haroon.) Let the dead past bury its dead, and I will ask my Honourable friends not to talk of the old talks all the time. That way lies tragedy. Let us think of the future, and I have no doubt in my mind, if only we put our hand to the plough, honestly, patriotically we shall solve this problem. It is not beyond the wit of Indians. (Interruption by Seth-Haji Abdoola Haroon.) The Congress will strain every nerve to do this. The Congress has taken a bold and uncompromising attitude in the matter; and I have no doubt that my Honourable friends will grasp the hand of fellowship extended by the Congress, and help us to settle the question once and for all.

✓ This scheme is not wanted by any respectable body of political or public opinion in the country. This scheme, therefore, will not work. There are no seeds of growth in this Constitution. There are no constituent powers at all in this Bill. I challenge any man to say that there are any. If Ministers are weak in the provinces, there will be autocracy; if Ministers are strong, there will be dead-locks; and in the Federation there will be a perpetual wrangle between the provinces and the States and among themselves. ✓ This scheme also is a costly scheme. It will cost roughly six crores of rupees more. I ask my Honourable friend, the Finance Member, where is he going to get all this money from? Bengal wants the jute tax, Assam wants the petroleum tax, Bombay and Calcutta want a share of the income-tax, Madras and the United Provinces want the land revenue to be reduced, and all of us are taxed to our utmost limit; and, I think, in this country there will be a campaign for non-payment of taxes by all people, including the Moderates, and Liberals and communalists, if taxation is increased beyond its present level. Therefore, I suggest that the scheme is too costly. ✓

We are finally told, Mr. President, that, after all, this scheme is in the interests of the masses. The Secretary in the Education, Health and Lands Department the other day pointed a schoolboy picture of the benefits of British rule in India; but I want to put it to you and to the Honourable Members of this House that, while we are sitting in this gilded Chamber,

we do not realise the colossal, grinding poverty of this country. The average income of the Indian is one anna per head per day, the average life of the Indian is 23 or 24 years, and our literacy is only ten per cent. We are being told that the Socialists are taking hold of the Congress and of the country. I often wonder why they have not done so already. If only people with imagination, with heart and with courage, know and realise the grinding poverty of this country, they will say with the poet:

"Ah, love, could you and I with fate conspire

To grasp this sorry scheme of things entire

Would we not shatter it to pieces.

And then remould it, nearer to our heart's desire?" ✓

That is the poverty of this country. What is the use of the communal leaders quarrelling for the loaves and fishes of office? Neither a Mussalman nor a Hindu communalist will do anything to remove the poor man's ignorance or disease. I, therefore, say, that this scheme is neither Self-Government nor good Government. Sir Samuel Hoare, the other day, said: "The Congress seems to have exhausted the last word in the vocabulary of political criticism on the Report of the Select Committee." Because, forsooth, he says, we have repudiated the right of British Parliament to draw up the Indian Constitution, and we have demanded a Constituent Assembly! I say, it is unfair criticism. No doubt, the Congress stands for independence or Purna Swaraj, but so far the Congress asks for a Constituent Assembly, whose decision the British Parliament is called upon to implement? Were I equally abusive of the Secretary of State, I would say in the words of Mr. Winston Churchill: "The India Bill is a monstrous monument of shams built by pigmies", but I have subjected the Bill and the Report to detailed criticism, and I venture to suggest to the House that I have shown that this Bill does not satisfy the political aspirations of even the most moderate Indians, that it is too costly, that it cannot work, that there are no seeds of growth in it, and, therefore, that India should reject it. India's self-respect demands it.

Today, Mr. President, the eyes of the civilised world are on this House. They want to know whether India has developed at least self-respect enough to reject what it is unworthy of her to accept, if she has not developed sufficient strength already to compel the acceptance by the rulers of what she wants. By our vote, we shall be judged, not only by our own countrymen, but, by all self-respecting civilised men and women throughout the world.

✓ I am asked by the Honourable the Home Member, what will you do,—will you struggle indefinitely under the existing Constitution? No, Sir. I have greater faith in God than he. I refuse to believe that Almighty God created 350 millions of his creatures to be perpetual slaves of Great Britain. (Cheers.) Great Britain came to this country the other day. She must go one day or other. The sooner she goes, the better for her and for us, because, Sir, when a great nation makes up its mind to attain its freedom, there is no power on earth which can stand in its way,—no, not even Great Britain. Today Government may not realise it. Mahatma Gandhi and the Indian National Congress are the only forces between India and revolution. It is Mahatma Gandhi and his creed of non-violence that stand for peace and truth in this country. It may be too late before the Government realise it; and I, therefore, beg

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of the Government, especially I beg of those who feel inclined to support the Government, not to support them in this mad career, which will lead us nowhere except to interminable fights. Mr. Churchill said a great thing the other day: "If our forbears had been couched by heavy odds, the British Empire would have stopped at Brighton beach". I ask my Indian friends not to be cowed down by the majority in the House of Commons, not to be cowed down by the army here, but to feel and to know that we can get our own freedom. After all the history of humanity has shown to us that, only if we are true to ourselves, we can get our freedom. In this very House, Mr. President, I am convinced, provided we can get the communal question out of the way, that we can make the position of the Government so intolerable, that they will have to dissolve this House or to pass an Ordinance abolishing the Legislature. Provided we can set our own house in order, we are bound to get what we desire.

I only want to say one thing more. I do not question the honesty of the Honourable the Home Member. He advised India to accept this Constitution. May I ask him one question. Supposing England were conquered by Germany in 1914-18, a contingency not wholly improbable, but prevented by the timely arrival of Indian soldiers, black and brown, and, after 15 years of rule, the German Kaiser had offered Great Britain a Constitution such as is now proposed for India, will he honestly advise England to accept it? I pause for an answer. ✓

The Honourable Sir Henry Craik: I cannot answer that extremely hypothetical question. ✓

Mr. S. Satyamurti: I know the arrogance of the English character. They think that their country has been ordained by God to be for ever free, that nobody can conquer them, that Indians are bound for ever to be slaves. I ask my friend to exercise some imagination. We say, as England would have said to Germany, that we cannot accept this Constitution. I know what is in his mind: "We have fought for our country, fought for her freedom". I realise it. I was in London in 1919, shortly after the Great War, and in every home to which I went—and to several homes I went as a guest—there was not one family in which at least one, it may be two, three or even four, had not lost their lives, or got their limbs maimed, in the great struggle for England's freedom. I know that we have to learn that lesson. I know that India must learn the lesson that freedom is a jealous mistress and exacts the utmost price from those who want to worship in her temple; and I want, the Congress wants, Mahatma Gandhi wants, to train this country in that hard and painful school for the struggle for freedom. Every household in this country must realise that it must give at least one man to the struggle for freedom. We know that we can train our country for that. In that faith and in that belief, I ask the House to help us in that struggle by giving this one vote of rejection against the Government proposals

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already much exceeded his time.

Mr. S. Satyamurti:thereby telling the country and the world that India has not lost her sense of self-respect, and that, God willing, we shall settle our differences and that very soon, so that we may tell our friends:

"Our enemies have fallen have fallen
The seed, the little seed (of Swaraj)
They laughed at in the dark
Hath risen and cleft the soil
And grown a bulk of span-less girth
That lays on every side a thousand arms,
And rushes to the sun." (Loud Applause.)

Several Honourable Members: The question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair accepts the closure. The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Mr. President, I propose, within 4 P.M. the time given to me, subject to such allowances as you have kindly allowed to others, to deal very shortly with many of the points which have been raised in this debate during the last two days and a half. It is not possible to deal with every matter, just as it was impossible for my friends also to speak at length. I have listened to the speech of my Honourable friend, Mr. Bhulabhai Desai, with rapt attention, and with respect. I admired his diction, and the delivery. It reminded me of the story of a famous French advocate in the seventies who had to defend an accused and had really no answer to the prosecution case. It was tried before a jury and the advocate was a very brilliant speaker. He talked about patriotism, the national honour of France and drew a lurid picture of the ravage and the destruction which would follow if the efforts of the enemy, who was then near the land, succeeded. After having made the most impassioned appeal and finding that half the emotional Frenchmen were beginning to sob, he concluded his speech by saying, "Having regard to what I have said, there is only one course open to you, namely, to acquit my client honourably", and. I am sure, that that is what would have happened, but the judge was rather hard-hearted. He saw the situation and said: "Gentlemen, it is rather late today. I will charge you and take your verdict tomorrow". When the jury came after a night's reflection, they had discovered by that time that there was nothing said about the case and they returned the proper verdict.

Now, Sir, my friend's position is similar. My Honourable friend said in the beginning of his speech:

"The Creator, the Preserver and the Destroyer is typified in human life itself. It is the embodiment of soul which consumes itself in its activity only in order to recuperate itself from time to time, and, if we destroy at all, we shall destroy only in order to build better."

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I admire the classic diction. I am not sneering, and I know about destruction. We have heard a lot about destruction. I was hoping that he will tell us something about construction, but we have not heard a single word about any alternative constructive scheme which will replace the Joint Parliamentary Committee Report.

Mr. Bhulabhai J. Desai: Will you accept it?

The Honourable Sir Nripendra Sircar: I can indicate to my Honourable friend that if I have no desire to give way, it is on account of the late hour. Otherwise I would have liked to answer his questions.

Now, Sir, there is nothing about any alternative scheme. My Honourable friend, Mr. Bhulabhai Desai, did not even touch on the question of a Constituent Assembly. Probably he had in mind the fate of the Nehru Report. The Nehru Report was not drafted by people in England. It was drafted by men whose patriotism could not be doubted for one second. They were genuine men, men of high standing and position in this country. What was the fate of that Report? As soon as it came out, we had protests, repudiations, and, if I may remind this House that Mahatma Gandhi said at the Second Round Table Conference, that it was a back number and it was no good referring to it. Now, Sir, that was the end of the Nehru Report, and as regards this talk of a chimerical Constituent Assembly, that some people will gather somewhere, they will draw up something and that that has got to be accepted—well, if that is so, why is not any scheme forthcoming? None have come forward, nothing has been suggested.

My Honourable friend, Mr. Satyamurti's answer to my Honourable colleague, Sir Joseph Bore's challenge, as to what you are going to do, is that God Almighty has not intended that Englishmen should remain here for ever, and that, therefore, something will happen! Well, Sir, we are here discussing from a concrete point of view the realities of the situation, the question being whether at the present moment any other scheme is forthcoming which is better than the scheme of the Joint Parliamentary Committee Report. Sir, all these talks may be the height of philosophy, may be very good reading, but they are as useful for present purposes as the Sermon on the Mount. Then my Honourable friend went on to say:

"I desire at once to repudiate the correctness of one statement which I have read out to you, that religion, race or language raises differences which have a disruptive effect on human society, as is claimed. The history of the world today and of its greatest democracies are evidence to the contrary."

Then, he referred to the United States of America and Switzerland. I would merely point out that as an illustration, the parallel is not very apt. Sir, whatever the origin of a person in the United States may be, whether his ancestral home is in England or in France or Roumania, it is idle to suggest that the conditions there are the same as they prevail in India.

I know there are at least a dozen Members here who will risk eternal perdition if they take a glass of water in my house. The citizens of the United States can inter-marry, they can inter-dine, they practically belong to one religion, and, therefore, this illustration is not apt at all. but I do not desire to stop there. I shall proceed to answer my Honourable friend's

question by saying that it must be conceded by everybody that a nation consists of communities. If there are different communities, there are likely to be, there are bound to be, communal quarrels, provincial jealousies and other disputes. Nobody has ever suggested that unless all the members of a nation are of one opinion, you cannot have any advance. But the test is this. In spite of these provincial and communal jealousies, are the communities prepared to sink their differences to a reasonable degree in the cause of the nation? The rate of progress depends on the measure of success in this direction. If they can do so, then, in spite of their fighting between themselves, in spite of there being differences, an advance can be made.

I ask Honourable Members of this House to take a concrete view of things and to answer that question, *viz.*, to what degree we have been prepared to subordinate communal, sectional, and local conflicts in national interest?

I shall come immediately to the proceedings of the Round Table Conference from this point of view. The members who were there—I am not talking of people whose sincerity can be doubted—but of members including my friend, Mr. Jinnah. What were they doing there? Were they putting the nation first, or the interests of the community first, before the Round Table Conference? What was the impression which the people listening to them from day to day were gathering about these dissensions? Now, Sir, to put it very briefly, the position was this. My Honourable friend, Mr. Fuzlul Huq, is not here. He, for example, after describing the glories of the Muslim reign, proceeded to say there that, unless Muslim rights were safeguarded—which meant, when analysed, a special electorate, a proportion in the public services, and so on—I am not going through the whole gamut of it—unless that is done, it is no good our discussing any matter.

Now, what was the attitude of my friend, Mr. Jinnah? He made it perfectly clear that the first thing which has got to be done is the protection of Muslim interests. "If you do not do that, it is no good entering into any further discussion." If, Sir, I have referred to my Honourable friend, Mr. Fuzlul Huq, or to my Honourable friend, Mr. Jinnah, I am not suggesting for one moment that it was only that particular community which was behaving in that way. I am not trying to allocate any blame as between one community and another; it is only because those two Honourable gentlemen happened to be there and made speeches here, as also there, that I am referring to them.

Sir Muhammad Yakub: Why is no reference made to Bhai Parma Nand and Mr. Lalchand Navalrai and Mr. Aney?

An Honourable Member: Because, they are not in the House.

Mr. M. A. Jinnah: What about yourself in England? There is no answer to that.

The Honourable Sir Nripendra Sircar: That appears from the proceedings. I shall now quote from Mr. Fuzlul Huq's speech on page 233 of the First Volume of the Proceedings of the Round Table Conference:

"We feel that the only course open consistently with the position of our community and our peculiar needs and the smooth running of the Constitution which we have been

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seeking to evolve during the last nine weeks is to reiterate our claim that no advance is possible, no advance is practicable, whether in the Provinces or in the Central Government, without adequate safeguards for the Muslims of India, and that no Constitution will be acceptable to the Muslims of India without such safeguards."

I am not for one moment going into the question whether he was right or wrong in saying this, but I am asking this House to consider what was the effect on the mind of the gentlemen who were listening to all this. It was before the Federal Structure Committee had started business. This was a speech at the plenary session. My Honourable friend, Mr. Jinnah, said at page 139, at a very early stage of the proceedings:

"Very rightly the Indian princes are here, and you cannot very well frame a Constitution in India, for Self-Government in the sense in which I have described it, without taking into consideration their position, and all that the princes are anxious about is that they want certain safeguards in that Constitution, as the Mussalmans demand safeguards for their community."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Can we not be saved from all these communal squabbles now? It won't help us.

The Honourable Sir Nripendra Sircar: I am not trying to increase communal squabbles, but trying to show how safeguards came in.

Sir Cowasji Jehangir: I may point out to the Honourable the Law Member that we all took part in it, and we all had squabbles. Let us drop it now. You had one, Mr. Jinnah had one, Mr. Ghuznavi had one.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

An Honourable Member: Do not have squabbles now here.

The Honourable Sir Nripendra Sircar: My Honourable friend's idea of not having a squabble was to get up and interrupt me.

Mr. M. A. Jinnah: Why should he not be interrupted?

The Honourable Sir Nripendra Sircar: I am not suggesting that they did anything wrong, but what I am pointing out is this, that Mr. Jinnah later on made it perfectly clear that the Muslims would not proceed to the discussion of the clauses relating to the Army and to financial safeguards until the communal decision had been given, until he knew perfectly well the position of the Muslim community. Now, Sir, I am pointing that out not for the purpose of expressing my opinion on the communal decision, but for showing that national interests have always been relegated to the background. I do not want to say a single word about the communal decision. The question is, why safeguards must exist.

Sir Muhammad Yakub: You have already expressed your opinion in your Pamphlet.

The Honourable Sir Nripendra Sircar: I am pointing out for the purpose of showing that, as a matter of fact, the communities were not prepared

then, and they are not prepared now to sink their jealousies and their communal wrangles in the interests of the nation. I am trying to answer my Honourable friend, Mr. Desai's question whether differences of religion and race can in our case stand in the way of advance.

Now, Sir, if I may proceed, I think there is an interesting statement at the next page which the House may like to hear. This is from my Honourable friend, Mr. Jinnah's speech, page 140:

"Sir, let me tell you in this connection that, so far as we are concerned, the Simon Commission is dead. The Government of India despatch is already a back number, and there has arisen a new star in our midst today and that is the Indian princes."

Sir, there is hardly time to take you through all these details which are also not necessary, but my Honourable friend, Mr. Jinnah, is apparently fond of referring to stars. I remember, the other day, when we were discussing the Trade Pact, after one of his dramatic pauses, he pointed heavenwards and said: "That is not my guiding star." He had found his guiding star in the princes.

Mr. M. A. Jinnah: I did not say "guiding": I said a new star.

The Honourable Sir Nripendra Sircar: New star, I quite concede. There is no star which can guide my Honourable friend.

Mr. M. A. Jinnah: Except the Law Member. (Laughter.)

The Honourable Sir Nripendra Sircar: No star can guide my friend for more than a week. Now, Sir, I wish to quote a few words from the speech of my Honourable friend, Mr. Desai. In ending his memorable speech, he used these words:

"Sir, I wish to say one thing more, that whatever happens, let this certain voice of India go out that this Constitution is futile and does not serve the purpose of reconciling, and, I am quite sure, does not serve any purpose that Government have in their view. And if that is so, may I appeal to this House to say that even if we have no power to compel the grant of what we want, we have certainly the self-respect to repel what we do not want."

Very noble language, but let us see what is meant by "repelling what we do not want". It is obvious that the word "rejection" has not been purposely used, but there is not much difference between rejection and repelling. What is exactly the process? What is going to be done if repelling means the rejection of this Constitution, because it is not consistent with self-respect to do anything else? I would ask Members of this House just to realise this. Will it be consistent with self-respect to work this Constitution? If it is such a horrible thing, if it is beneath your self-respect to even consider the question of its acceptance, is it going to be worked with self-respect?

Mr. N. M. Joshi (Nominated Non-Official): What is your desire?

The Honourable Sir Nripendra Sircar: It is my desire that my Honourable friend, Mr. Joshi, will be a little more consistent, because, having signed the Joint Memorandum on the footing of the All-India Federation and on the footing that there will be 375 Members in the Lower and 250

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Members in the Upper House, he has now discovered that 125 is just one-third of 375. (Interruption by Mr. Joshi.) If my Honourable friend will kindly not interrupt me, probably the cause of labour will not suffer. (Laughter.) I heard that interruption. He said: "What do you want me to do?" What we want him to do is perfectly clear from the speeches which have been made from this side. We want him not to pass a futile vote of rejection, and we say: Do not pass a futile Resolution of rejection when you really do not want rejection.

If you had the courage to say that if this is passed, we are not going to work the Constitution, because it is not consistent with self-respect to come within 500 miles of a Constitution which is so derogatory to us, so insulting and so humiliating, then, surely, to be consistent, you should say we cannot work this Constitution.

It may be asked why I am assuming that this Constitution is going to be worked by the people who want now to repel it because it is inconsistent with self-respect? My reason is that throughout these speeches I have not heard even a suggestion made by anybody that they are not going to work the Constitution if the Bill passes through the Houses of Parliament. I don't hear any contradiction even now, and I ask Honourable Members to consider what is the object of passing a futile Resolution when we know that this really means nothing. These are blank shots which create noise. I daresay they raise some amount of smoke but they do not hit anybody. If it had been followed up by a Resolution stating that it is not consistent with our self-respect to work it, I would have understood that there was something concrete in it. But this is nothing.

Now, Sir, I would like to read as part of my argument an extract from an article by Mr. C. L. Sastri, the son of our well-known Mr. Chintamani, which appeared in the *Leader* of the 27th December, 1934. It runs thus:

"What do Congressmen mean by saying that they are 'rejecting' the report, or are going to 'reject' it? What will their 'rejecting' come to? Of course, it is all very heroic. As the sole custodians of courage in politics they cannot, I suppose, help using any but brave and high-sounding words. I often wonder whether they are not talking with their tongues in their cheeks. Habit has made them incurably flamboyant: So much so indeed, that it now almost looks as if it were easier for a leopard to change his spots or for an Ethiopian to change his colour than for your hundred per cent dyed-in-the-wool Congressmen to attempt to speak in reasonable and easily understandable language."

I again ask, what is the good of this heroic language of rejection, inconsistent with our self-respect, and so on, when we know perfectly well that this Constitution is going to be worked.

An Honourable Member: Why was this Resolution brought by the Government then?

Dr. G. V. Deshmukh: Why not withdraw the whole thing?

The Honourable Sir Nripendra Sircar: It is not my desire to give in, because the time is short. Why was this Resolution brought? I should have thought that such a question would not have been put. It was because there was a general desire on the part of the Members that this should be discussed that we agreed to give three days. We discussed with the Leaders of the Parties and we originally fixed 27th, 28th and 29th of January, but many of the Leaders said that they wanted a little more

time to consider the papers, and so on, and we agreed to give three days of which the last is today. Therefore, we have given this at the instance of the Members who expressed a general desire to have this matter discussed, and I am now told why was it brought in? I am asked: Why these proceedings are going on, as if I am responsible for these three days discussion.

Now, Sir, if I may resume, I have made the point that it was unfortunate that we gave the impression and created the picture and showed to the people of England that we are unable to sink our communal or provincial jealousies. Having asked for safeguards, having compelled them to use safeguards, now every one is asking why are there so many safeguards in this Constitution?

I may remind this House that when, at the second Round Table Conference, Mahatma Gandhi made his speech on commercial safeguards and the definition of citizenship, and so on, the purport of that was this. He said, "Who says that the Congress is going to repudiate debts? Nothing of the kind. But all we claim is this: that when we come into power, we shall examine and investigate every title irrespective of the length of time during which it has been held to find out whether it was a just title".

The illustrations which he gave and the wrangle with Sapru there are too long to be discussed in detail here. But if Honourable Members of this House would like to have an idea, it was this. Supposing I am now found in possession of five bighas of land in the district of Lucknow, the national Government will inquire as to how I got the land. If my ancestors or predecessors in title of my ancestors had got the land during the Sepoy Mutiny, then, according to that formula, the National Government will decide whether it was to the interests of this nation to help the British in putting down the Sepoy Mutiny. I lose my land, because my ancestors have done something which is now found to be not in the national interests.

Again, I will give another instance before I pass on to my next point. If I am the holder of a promissory note today, and if it is found by this new Government when it comes into power, that that is part of a loan which was issued for fighting a war and if the Government come to the conclusion that was an unjust war and that was not in the interests of India to finance the war at all, then I do not get my money. As reasonable men, I ask you to judge whether any amount of quibbling over words like repudiation, expropriation or the right to challenge your title, and so on, whether any amount of quibbling can mislead men? The impression was given—given not merely by Mahatma's speech which rather tried to soften words which have been said before by Resolutions and wild declarations—the impression had been given that no property, no title in India was safe whether it belonged to European or the Indian—Hindu or Muslim. Is there any wonder that people were anxious for safeguards? (Hear, hear.) I ask the House again—I will not go into the communal question again—to remember that there was a body which was so anxious before men in England at the Round Table Conference, I call them Sanatanists. What did they want? They said that, under this new Constitution, kindly see that there is a religious safeguard, which means that the wings of this new Parliament or new Assembly, whatever it is called, shall be clipped and they will have no power to have any legislation which, it can be contended, will affect any religious or any social questions. They insisted on a safeguard for this.

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Then, we have the landlords. The landlords say: "for heaven's sake we do not care what happens to the nation, it is a small matter, but for heaven's sake do not touch our Permanent Settlement. Let us have a safeguard against the disturbance of the Permanent Settlement".

Again, Sir, I am not trying to belittle their anxiety, they were perfectly right in putting forward the views which they did, but if that is the position, then, is not the existence of the safeguards amply explained? Is there any minority community which did not insist on safeguards? And, if that is so, then all this outcry now, why safeguards and why safeguards, I really find it difficult to understand.

Dr. G. V. Deshmukh: Why not have a safeguard against safeguards?

The Honourable Sir Nripendra Sircar: I have been asked a question. Of course in future I do not desire to take notice of interruptions. I was asked if there could be any safeguard against safeguards. I say, yes, the answer is obvious. Provided you behave reasonably, that is a safeguard against safeguard and the safeguards will not be used at all.

My Honourable friend, Mr. Jinnah, in today's speech started with the *Statesman*, and I need not trouble myself with that. After that, came his personal explanation as to why he did not go again to the Round Table Conference which also is not very material except that it will be for his community to judge whether the replacement of Mr. Jinnah by Sir Abdur Rahim and Agha Khan to take part in the Conference was such a terrible calamity for that community—that is a matter for that community alone—I do not take part in it.

Then, he said in today's speech and he was criticising my speech and he said "Storeys do not exist and there is no foundation. I am not trying to uproot the foundation, and go and tell these stories to children". Well, Sir, I do not know that my Honourable friend, Mr. Desai, is exactly a child, because he apparently had come to the conclusion that the object of Mr. Jinnah is the same as that of himself, namely, to get rid of the entire scheme.

The next argument which was advanced was this. "I am not trying to wreck the whole scheme, I only want to get rid of the part which deals with Federation." It is no good arguing in the abstract. In the Joint Parliamentary Committee Report, every one must have read that they came to the conclusion that a responsible British India Centre alone is not a possible situation. I am not going into the pros. and cons. and the reasons for their conclusion. That being the conclusion, that we cannot have a British India Federation, now for my Honourable friend, Mr. Jinnah, to suggest that at this stage we should start an enquiry if that is possible, that is the surest way of getting rid of the whole Bill. It is not a question of a threat. I only try to point out and I maintain that again that it is not possible, it is not a practicable proposition that you shall have only Provincial Autonomy and no legislation on the footing of all-India Federation. I would ask this House to consider if the third portion of Mr. Jinnah's amendment is accepted, what is the British Government going to tell the princes. They have not declined to join. It is quite open to them to join now. Are they now going to tell them, "Oh, no! We have changed our mind. You please get out, we shall have a

British India Federation alone". My Honourable friend knows perfectly well that although in form it is an attack only on half, yet in substance, in effect, there is no difference in the amendment of my Honourable friend, Mr. Jinnah, and the amendment of the Congress Leader. Then it was said, "But, why? The two are severable, because a Federation may not come for two to five years". That is the idea,—I do not purport to give the exact words. Well, Sir, I have dealt with that. They have come definitely to the conclusion that a British India Federation is not possible.

Mr. M. A. Jinnah: Why not?

The Honourable Sir Nripendra Sircar: Read the Report. We are now discussing the question of this Bill. The Bill is on the foundation of the Joint Parliamentary Committee Report.

Mr. M. A. Jinnah: That can be changed.

The Honourable Sir Nripendra Sircar: Too late after every one has agreed to it. That Report has come to that conclusion, and, therefore, it is not a practical proposition to suggest that there should be a British India Federation now. I think my Honourable friend will correct me if I am wrong. He read a passage which must be from the speech of Sir Abdur Rahim on the White Paper. Now, as he relies on Sir Abdur Rahim's speech, I should like to bring to the notice of this House that what has been called the joint memorandum

Mr. M. A. Jinnah: What I quoted from Sir Abdur Rahim was the interview which he gave after the Joint Parliamentary Committee Report was published.

The Honourable Sir Nripendra Sircar: Yes, I only tried to fix the name. Now, this joint memorandum was signed by H. H. the Aga Khan, Sir Abdur Rahim, Mr. Jayakar, Dr. Gour, Mr. Shafaat Ahmad Khan, Mr. A. H. Ghaznavi, Sir Pheroze Sethna, Sardar Bhuta Singh, Sir Henry Gidney, Dr. Ambedkar, Zafarullah Khan, and last, but not the least, Mr. N. M. Joshi who has turned a complete somersault in the interest of labour.

Now, let us see how Mr. Joshi and Sir Abdur Rahim are proceeding in this joint memorandum. I am not suggesting to this House that whatever modifications they suggested or any of them have been accepted; that is not the point I am trying to argue. But let us see what they were willing to do, because we have heard such a lot from my Honourable friend, Mr. Jinnah, that there was really no agreement between anybody that an all-India Federation would work. I read from page 204:

"It is in the light of declaration of this policy that we have examined the White Paper proposals. The modifications we suggest do not affect the basic structure of the scheme."

Although they suggested certain modifications as to defining in a particular way certain safeguards, and so on, they did not affect the basic structure. But the matter does not rest here. When we come to the

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Federal Constitution, it is said at page 216 under the heading "Federal Legislature":

"We generally accept the proposals in the White Paper both as regards the composition of the Lower Federal Chamber and as regards the method of election."

And, now, my Honourable friend, Mr. Joshi, was waxing eloquent. "Don't you know the princes are autocrats? How can we have a Federation with autocrats?" For Heaven's sake, why did you put down your name in November, 1933? Has my friend discovered after November, 1933, that some of the princes are autocrats? They generally accepted the proposals in the White Paper both as regards the composition of the Lower Federal Chamber and as regards the method of election.

Then, Sir, take another little matter. We have heard so much as to why the officers appointed by the Secretary of State should have this privilege that they could not be dismissed by the Minister or censured by the Minister; and it has been said, as a matter of fact, that they will be the masters of the Ministers. Let me read from the Joint Memorandum:

"We now proceed to deal with the existing rights of officers appointed by the Secretary of State which ought to be guaranteed by the Statute. We may say at once that we have no objection to the proposals that the pensions, salaries and the privileges and rights relating to dismissal or any other form of punishment or censure should, in the case of the existing members of the all-India Services, be fully safeguarded by the Constitution."

This is one of the abominable safeguards.

Sir Cowasji Jehangir: That is about the existing members.

The Honourable Sir Nripendra Sircar: Even without Sir Cowasji Jehangir's interruption, I remember perfectly well that this is about existing members. But may I ask them why they agreed to the safeguarding? It is only because, I suggest, they were practical men and could take a view of the realities of the situation. They would not, like my Honourable friend, Mr. Bhulabhai Desai, be continually looking heavenwards, because, if you look down below, there are ugly sights to be seen. And the names which I have given to this House are a guarantee of strong common sense, and that, a reasonable view of things having been taken, they appended their signatures to this. In passing, I may remark that probably my Honourable friend, Mr. Joshi, in the cooler temperature of England, found his reasonableness increasing.

Then, Sir, we had an argument from my Honourable friend, Mr. **Bhulabhai Desai**, that "no one has accepted the Report; before there can be an agreement, there must be an offer and an acceptance". Quite true. In the Court of law, there can be no agreement until all the terms of the offer have been accepted. If you do not accept all the terms unconditionally, there is no agreement. What has that got to do with this? The question is what, having regard to our difficulties, having regard to all this insistence for safeguards, having regard to what was happening in these 5, 6 or 7 years, what, at the present moment, is the amount of advance which can be safely and reasonably offered? That is the question. What has that got to do with agreement? We have to find out, first of all, up to what distance the parties are willing to go together. That

is the problem; it is not a question of entering into an agreement in all details. And, if my Honourable friend will travel into Courts of law for his similes, may I give another one? We know that if there are four men each asking for eight annas of the property knowing well that there are only 16 annas to go round, and if an arbitrator is appointed and he gives four annas each, do not we know that every one will be dissatisfied? The very dissatisfaction of all the parties sometimes indicates that the decision has been just.

Now, Sir, there was another statement as regards the desirability of having a Constitution to which the "people would be reconciled". I desire to say one word about it. I learnt a very happy phrase from my Honourable friend, Mr. Bhulabhai Desai, and I am willing to learn more. Commenting on the Honourable the Home Member's speech, he said that he "translated into generalities". I am charmed with that expression, "translated into generalities". That is exactly what is happening. Let us put a little analysis in it. He spoke of a Constitution to which the "people" would be reconciled. May I know what people means there? If people means Hindus, *plus* Muslims, *plus* Europeans, *plus* Sikhs, and so on, it means a Constitution which will reconcile all these conflicting interests and elements. What is that Constitution? We end where we started from? What is the Constitution which will appeal to all these parties? Would the Hindus be reconciled to special electorates? Would the Muslims be reconciled to joint electorates? When you talk of people, remember this: you may be a nationalist, but do not forget that a nation is made up of communities. I would like to know further whether, if there were no religious safeguards, the people would be satisfied? Some part of the people may be satisfied and some may not. If every legal incidence following from paramountcy were abolished, what would happen? Would the people be satisfied? Yes, some, but others would be thoroughly dissatisfied. I do not want to proceed further with this; but I would ask you to remember that, as these matters are translated into generalities, you will have to analyse what it means.

We often hear the phrase that this does not come up to the minimum "National Demand". I ask you again, what is meant by the "National Demand"? Does the nation consist of all these communities, all these interests? If that is so, it means the minimum demand of all the communities. What is it? That is the problem which was discussed by these Round Table Conferences and the Select Committees and so on: it is no good talking in this general language of "National Demand" and "National Interest".

The next matter on which I might just say a word is about some of the different safeguards. My Honourable friend, Mr. Fuzlul Huq, is not here—I am very sorry, but I cannot wait for him: he made very heroic declarations, he gave expression to most exalted sentiments about Hindu and Muslims being brothers and what not. He said, provided the communal position stands, he is willing to take a "plunge into the unknown". That is to say, he can take his plunge into the unknown where matters of national interest are concerned: he can take a risk as regards reservation, as regards safeguards, as regards finances; but the communal decision is the one matter about which he cannot take a plunge into the unknown. He must know it beforehand.

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Then, my Honourable friend, Mr. Lalchand Navalrai, put the separation of Sind in the forefront of his amendment: he says:

"Inasmuch as the Report of the Joint Parliamentary Committee recommends the separation of Sind from the Bombay Presidency against, amongst other weighty objections, the wishes of the entire Hindu population of Sind, bases the Constitution on the arbitrary Communal Award, gives no real power to the people of this country;"

he does not want it. Would anybody be deceived by this form as to what is really intended and what is troubling my Honourable friend, Mr. Lalchand Navalrai? It is the separation of Sind, and because it is not acceptable to the entire Hindu community, he is against the scheme. No doubt, at the very end, as a face-saving device, a clause has been tacked on that the scheme does not transfer any real power. Why put that at the end? The last ground is enough for saying that he does not want the scheme:

This reminds me of the story of a gentleman who was approached for a subscription to a football club: he said he had various reasons for not paying any subscription: first, because he thought it was a waste of time to indulge in football, secondly, as a believer in non-violence, he did not believe in these violent games: thirdly, because it was not really suited to the genius of this country; and the last was that he had no money. (Laughter.)

Mr. Lalchand Navalrai: So, you have no money for Sind being separated!

The Honourable Sir Nripendra Sircar: My Honourable friend, Mr. Asaf Ali, characterised the debate as wholly futile and that we were conducting discussions in an atmosphere of unreality. He might have completed the picture by saying that it is as unreal as the rejection in the rejection Resolution. As I have explained, if the discussion is futile, if the discussion is going on for three days, it is really not a matter for which we are to blame in any way. We only responded to a request which was made to us.

As regards my friend, Mr. Sham Lal's speech—I liked that very much—I find that his speech has been described in one of the papers this morning as consisting of a series of sabre-cuts—I do not know whether he will like that, being a perfectly non-violent man in a Gandhi cap, but there it is. What he said was that he was really concerned about the masses: he did not care about the classes, the capitalists, the well-to-do civil servants, and so on. I have not for one moment doubted that he is really interested in the masses, that he is trying his best to improve the condition of the masses. Another speaker from his side said, "The Congress stands for the masses." I agree, it stands: it never moves for the masses. We know something about what Congress is doing for the masses. In my province, a fund was raised of ten lakhs of rupees, called the Village Reconstruction Fund; not a single farthing was spent on any village reconstruction. (*An Honourable Member:* "Question.") The question can be answered by saying that it is perfectly true, and when the correspondence was published in every newspaper and repeated demands were made for accounts, no accounts were forthcoming: not one pice was proved to have been spent for any village. When a crore of rupees was raised for the Tilak Swarajya Fund, what was shown in return as having been done for the masses?

An Honourable Member: Mass consciousness.

The Honourable Sir Nripendra Sircar: One of my friends has given me a very good answer. He said it was for rousing mass consciousness. That is all that they want to do, and they cannot rouse mass consciousness unless they themselves are well-fed, well-clothed and provided with motor cars to make trips for rousing their consciousness

An Honourable Member: Quoting from self-experience? (Laughter and Opposition Cheers.)

The Honourable Sir Nripendra Sircar: I am afraid I could not fully hear what was said, but I am talking of my friend's experience. Sir, we have seen enough of village destruction, but of village reconstruction very little. We have been told in the picturesque language of Sardar Mangal Singh that the Ministers of the future will be kicked like footballs. The Ministers in the Montagu-Chelmsford regime had to work without much funds, what have they done? They have done nothing. Look at the Reports on Education in India. The Hartog Committee condemned many of the methods of education followed in India, but paid a glowing tribute to the work done by the Ministers and recognised the fact that they were spending money on a far more lavish scale on educational improvements, and that the number of boys and girls was going up tremendously.

An Honourable Member: What about the percentage?

The Honourable Sir Nripendra Sircar: I hope my friend will not interrupt me. I should like to get on with my speech as I have got only six minutes more, otherwise I would have given him the figures.

An Honourable Member: Stories?

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member continue.

Another Honourable Member: Stories please.

The Honourable Sir Nripendra Sircar: You have your neighbour, Mr. Sham Lal, who surely has a much larger stock of stories. I immensely appreciated the story he gave us yesterday. He told us who among his friends were Rama, Lakshmana and Sita, but the only information he did not give the House was, who took the part of Hanuman, the Monkey-God. (Loud Laughter.)

Then, my friend, Mr. Gadgil, gave us a very short prescription. He was echoing the words uttered on a previous occasion by Mahatma Gandhi. What did he say? He said: "If the British people retire, there will be no law and order; it does not matter, we shall begin slaughtering one another but surely a time will come when we shall get exhausted and then we shall get settled down"—a wonderful recipe. It is not lacking in brevity, but, let us see, what it means.

"When we began the process of slaughtering one another and we had got exhausted, a few thousand Englishmen coming from a long distance of five thousand miles took possession of this vast country, and they have now settled down." That is how we shall settle down.

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Now, Sir, I have really very little more to say, beyond pointing out to this House one thing. Sir, throughout this debate, which has now lasted three days, what has been made abundantly clear is that, in the Congress, there is a complete negation of ideas, a complete negation of policy, complete negation of any constructive suggestion. "Let us go on, something will happen, and let us continue under the present Constitution" this was the spirit that pervaded throughout the entire debate. No one has yet explained how we are better off.

An Honourable Member: Certainly it is much better to continue under the present Constitution than to accept the new scheme.

The Honourable Sir Nripendra Sircar: "Certainly" is an assertion and not an argument.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): May I ask, Sir,

Mr. President (The Honourable Sir Abdur Rahim): Is it a personal explanation?

Maulana Shaukat Ali: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Is it a point of order?

Maulana Shaukat Ali: Yes, Sir. (Laughter.)

Sir, I want some information, because I am a novice. Can the Honourable Member tell me to enable us to vote properly,—because, Sir, we are not a very clever lot of people, we don't know to use subtle arguments,—can the Honourable Member tell me whether there is a chance, if we all put our heads together to bring about an honourable peace, of our voice being heard by responsible people in Parliament, and whether there is any possibility of changing the Constitution to suit our needs? I want to know that.

The Honourable Sir Nripendra Sircar: Is that a point of order, Sir? (Laughter.)

Now, Sir, I shall conclude, and, in doing so, I shall only say this. I have not got the time to rebut all the criticisms that have been made, but I must say that some of the criticisms offered are very ill-informed, I will give only one instance. My friend, Mr. Satyamurti, said that this was a retrograde Constitution, and he cited various instances. One of those instances was, he said, that under the present Constitution it was only in the reserved departments that the Governor could interfere and do whatever he liked to do, the suggestion being that the Governor has no power to interfere with the transferred subjects. May I read section 52, para. 3 of the Government of India Act?

"In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice",

—which, in plain English language, means, in every case and in every matter he can

Mr. S. Satyamurti: On a point of personal explanation, Sir. I said that under the Government of India Act, the Governor can interfere, with regard to legislation only concerning reserved subjects. I did not say that the Governor had any jurisdiction over other matters.

The Honourable Sir Nripendra Sircar: If I misunderstood my friend, I 5 P.M. stand corrected. But may I use it for another purpose? We heard a story, and it was, I think, from our friend, Mr. Sham Lal, that these safeguards were like a man carrying a pistol in his pocket and going about the streets; he can discharge it at any moment he likes, and he will be the sole judge of the time or the occasion when the use of that pistol is rendered necessary. With reference to that, may I just point out one thing. This Act has been in operation now for more than 12 or 13 years. The pistol has always been in the pocket of the Governor. On how many occasions has that pistol been discharged?

Several Honourable Members: Several times.

The Honourable Sir Nripendra Sircar: If it has been used several times, then it only bears out that during the last 14 years, in the day to day administration only, in several instances it has been used, but it remains to be seen whether those several instances were not rare occasions when the power was used. (*Several Honourable Members:* "No, no.")

(Interruptions by Several Honourable Members.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order, let the Honourable Member go on.

The Honourable Sir Nripendra Sircar: I am sorry, some of my friends do not like the truth, but, Sir, before I resume my seat, I would like to remind this House that we have now aspirations for a democratic form of Government which, by the way, is always expensive. We have our aspirations in that direction. Let us look at it from this practical point of view. How has it arisen? Was it due to our imbibing western ideas, was it due to our coming in contact with the British and the British administration which has been in existence in this country for over a century? If not, I would ask, why democracy has not made even this much of advance in other parts of India like the States or in the neighbouring country of Nepal? If that is the position, and if, during the last 30 years or 40 years, from an absolutely autocratic form of Government passing through many stages, we have come to the stage of Montagu-Chelmsford reforms, it cannot be doubted that the present scheme of reforms is distinctly another advance on the older state of affairs, and, if we have to make further advance, then the only reasonable and prudent course to follow would be to accept this, so that, at the next step, we may be in a better and stronger position. We certainly cannot take the advice of some of our friends opposite and say: "God is great, God will not keep Englishmen here for more than a few thousand centuries, let us not do anything. Something will happen".

Mr. President (The Honourable Sir Abdur Rahim): There are as many as twelve amendments to the original motion which has been moved by the Leader of the House. The first one stands in the name of Mr. Bhulabhai Desai and others, and it has been moved by Mr. Desai. That consists of two parts. It will perhaps meet the wishes of the Honourable Member if, at the present stage, the question as regards the first part only is put.

Bhai Parma Nand (West Punjab: Non-Muhammadan): On a point of order, Sir. I gave notice of my amendment first and I claim that it should have precedence over all other amendments. Therefore, I request you to put mine first.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not bound by the order in which these amendments are given notice of. As Mr. Desai's Party has given notice of this amendment,—and that Party is the Official Opposition in this House—the Chair, in its discretion, thinks that it will be in the interests of ascertaining the sense of the House better if that question is put first.

The question is:

“That for the original motion, the following be substituted:

“This Assembly is of opinion that the proposed scheme of Constitution for the Government of India is conceived in a spirit of Imperialist domination and economic exploitation and transfers no real power to the people of India and that the acceptance of such a constitution will retard instead of furthering the political and economic progress of India and recommends to the Governor General in Council to advise His Majesty's Government not to proceed with any legislation based on the said scheme.”

The Assembly divided.

[When the division was going on, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was occupied by Mr. Deputy President (Mr. Akhil Chandra Datta) for a while who vacated thereafter on Mr. President (The Honourable Sir Abdur Rahim) resuming it.]

Mr. President (The Honourable Sir Abdur Rahim): One Honourable Member who is unable to go to the lobbies will have his vote recorded. The Chair, therefore, directs the Tellers of “Ayes” and “Noes” Lobbies to go to the Honourable Member and have his vote recorded. The Chair wishes the same procedure to be followed with regard to this Honourable Member if there be any further division in connection with these motions.

AYES—61.

Aaron, Mr. Samuel.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Ba Si, U.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Srijit N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Khare, Dr. N. B.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

.....NOES—72.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Rao Bahadur A. A. Venkatarama.
Badi-uz-Zaman, Maulvi.
Bajoria, Babu Baijnath.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dow, Mr. H.
Drake, Mr. D. H. C.
Ebrahim Haroon Jaffer, Mr. Ahmed.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Sahib Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Jinnah, Mr. M. A.
Kirkpalani, Mr. Hiranand Khushiram.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There are other amendments which ask that there shall be no legislation based on the scheme of the Joint Parliamentary Committee's Report. All these amendments are barred. That is, the second amendment standing in the name of Mr. Desai and others, No. 7 standing in the name of Bhai Parma Nand, No. 8 standing in the name of Dr. P. N. Banerjee, No. 9 standing in the name of Mr. Suryya Kumar Som, No. 10 standing in the name of Sardar Sant Singh and No. 12 standing in the name of Mr. Lalchand Navalrai.

Now, as to the amendment standing in the name of Mr. Jinnah. That is divided into three parts. One relates to the Communal Award. It wants that the Communal Award should be accepted. No. 2 relates to the scheme of Provincial Governments and No. 3 to the scheme of Central Government. The Chair proposes to take the first part, that is to say, the amendment relating to the Communal Award, separately from the other two. Nos. 2 and 3 will be taken together, as both are intended to formulate a scheme of Government.

Lal Chand, Captain Rao Bahadur Chaudhri.
Lindsay, Sir Darcy.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalf, Mr. H. A. F.
Milligan, Mr. J. A.
Mody, Mr. H. P.
Monteath, Mr. J.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukharji, Mr. N. R.
Mukherjee, Rai Bahadur Sir Satya Charan.
Muzaffar Khan, Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A. J.
Rajah, Raja Sir Vasudeva.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Shafi Daudi, Maulvi Muhammad.
Sher Muhammad Khan, Captain Sardar.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Pradyumna Prashad.
Sinha, Raja Bahadur Harihar Prasad Narayan.
Sircar, The Honourable Sir Nripendra.
Sloan, Mr. T.
Swithinbank, Mr. B. W.
Tottenham, Mr. G. R. F.
Umar Aly Shah, Mr.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

Bhai Parma Nand: On a point of order,.....

Mr. President (The Honourable Sir Abdur Rahim): Order, order. To the first part of Mr. Jinnah's amendment, the second part of the amendment of Mr. Desai, which the Chair has not yet put to the vote, may be moved as an amendment if he chooses.

Mr. Bhulabhai Desai: Yes, I formally move the second part of my amendment as an amendment to the first part of Mr. Jinnah's amendment that:

"As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award."

Mr. President (The Honourable Sir Abdur Rahim): The amendment of which Mr. Jinnah has given notice is:

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

The question the Chair has to put is:

"That for the first part of Mr. Jinnah's amendment which has just been read out, the following be substituted:

"As regards the Communal Award, this Assembly deems it most conducive to national harmony and to a solution by mutual agreement of the problems involved that it should refrain from expressing any opinion at the present juncture either accepting or rejecting the Communal Award."

The Assembly divided:

AYES—44.

Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Baqui, Mr. M. A.
Bardaloi, Srijut N. C.
Bhagavan Das, Dr.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh Dr. G. V.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Khan Sahib, Dr.
Khare, Dr. N. B.
Mudaliar, Mr. C. N. Muthuranga.
Nageswara Rao, Mr. K.

Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Sinha, Raja Bahadur Harihar Prosad Narayan.
Sri Prakasa, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—84.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Rao Bahadur A. A. Venkatarama.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bajoria, Babu Baijnath.
Bajpai, Mr. G. S.
Banerjee, Dr. P. N.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Chattopadhyaya, Mr. Amarendra Nath.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Datta, Mr. Akhil Chandra.
DeSouza, Dr. F. X.
Dow, Mr. H.
Drake, Mr. D. H. C.
Ebrahim Haroon Jaffer, Mr. Ahmed.
Essak Sait, Mr. H. A. Sathar H.
Fakir Chand, Mr.
Fazli-Hao Piracha, Khan Sahib Shaikh.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kirpalani, Mr. Hiranand Khushiram.
Lahiri Chaudhury, Mr. D. K.

Lal Chand, Captain Rao Bahadur Chaudhri.
Lalchand Navalrai, Mr.
Lindsay, Sir Darcy.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.
Metcalf, Mr. H. A. F.
Milligan, Mr. J. A.
Mody, Mr. H. P.
Monteath, Mr. J.
Morgan, Mr. G.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Mukharji, Mr. N. R.
Mukherjee, Rai Bahadur Sir Satya Charan.
Murtuza Sahib Bahadur, Maulvi Syed.
Muzaffar Khan, Khan Bahadur Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Parma Nand, Bhai.
Raisman, Mr. A. J.
Rajan Bakhsh Shah, Khan Bahadur Makhdom Syed.
Rau, Mr. P. R.
Sant Singh, Sardar.
Sarma, Mr. R. S.
Scott, Mr. J. Ramisay.
Scott, Mr. W. L.
Shafi Daudi, Maulvi Muhammad.
Shaukat Ali, Maulana.
Sher Muhammad Khan, Captain Sardar.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Som, Mr. Surya Kumar.
Swithinbank, Mr. B. W.
Tottenham, Mr. G. R. F.
Umar Ali Shah, Mr.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

✓ The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The House has now come to Mr. Jinnah's original amendment. The question is:

"That the first part of Mr. Jinnah's amendment, namely:
"That this Assembly accepts the Communal Award, so far as it goes, until a substitute is agreed upon by the various communities concerned",
do stand part of his amendment."

The Assembly divided:

AYES—68.

Abdool Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Anwar-ul-Azim, Mr. Muhammad.
Ayyar, Rao Bahadur A. A.
Venkatarama.
Azhar Ali, Mr. Muhammad.
Bedi-uz-Zaman, Maulvi.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dow, Mr. H.
Drake, Mr. D. H. C.
Ebrahim Haroon Jaffer, Mr. Ahmed.
Essak Sait, Mr. H. A. Sathar H.
Fazli-Haq Piracha, Khan Sahib
Shaikh.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Hockenhull, Mr. F. W.
Hossack, Mr. W. B.
Hudson, Sir Leslie.
James, Mr. F. E.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kirpalani, Mr. Hiranand Khushiram.

Lindsay, Sir Darcy.
Meher Shah, Nawab Sahibzada Sir
Sayad Muhammad.
Meicalfe, Mr. H. A. F.
Milligan, Mr. J. A.
Mody, Mr. H. P.
Monteath, Mr. J.
Morgan, Mr. G.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Mukharji, Mr. N. R.
Murtuza Sahib Bahadur, Maulvi
Syed.
Muzaffar Khan, Khan Bahadur
Nawab.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A. J.
Rajan Bakhsh Shah, Khan Bahadur
Makhdom Syed.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Shafi Daudi, Maulvi Muhammad.
Shaukat Ali, Maulana.
Sher Muhammad Khan, Captain
Sardar.
Siddique Ali Khan, Khan Sahib
Nawab.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Swithinbank, Mr. B. W.
Tottenham, Mr. G. R. F.
Umar Aly Shah, Mr.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

NOES—15.

Aney, Mr. M. S.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra
Nath.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Fakir Chand, Mr.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Parma Nand, Bhai.
Rajah, Raja Sir Vasudeva.
Sant Singh, Sardar.
Som, Mr. Surya Kumar.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Now, we have parts and 3 of Mr. Jinnah's amendment.

Mr. A. H. Ghuznavi: Sir, as regards the two other parts of the amendment of Mr. Jinnah, I suggest it would be better to put them separately. One of us may not be able to vote with him on the third part, while one may be willing to vote for his second part. Moreover, the two parts relate to different subjects.

Mr. Bhulabhai J. Desai: I submit that in any event of the case, the two parts are incapable of division. Undoubtedly in that sense, we might as well have caused every single section of the intended Bill to be put before the House, so that this House might express its opinion on each of the sections. Apart from what has happened earlier, the alternative, suggested by Mr. Jinnah, is a part of the whole scheme of Constitutional Reforms and the question is whether that alternative scheme should prevail in the opinion of the House or not.

Sir Cowasji Jehangir: Mr. President, there are two different issues to be placed before the House by Mr. Jinnah's amendment, parts 2 and 3. Since I personally would like to vote for part 2 of Mr. Jinnah's amendment, I think it would be preferable if they are put separately. (Hear, hear.) I think a large majority of this House desire to vote on the second part.....

Some Honourable Members: No, no.

Sir Cowasji Jehangir: Mr. President, it is getting a little too much of a good thing that, as soon as one expresses an opinion different from that held by certain Honourable Members of this House, then comes forth immediately several cries of no, no. This is a question of procedure, it is not a question of opinion. I should be allowed to put my view with regard to the procedure to be followed without being interrupted.

Some Honourable Members: Oh! Oh!

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's protest is perfectly justified.

Sir Cowasji Jehangir: I think they are two different issues, and, of course, if you put those two together, some of us necessarily may have to vote against it, while we are anxious to vote for one of the parts.

Dr. N. B. Khare: Sir, I rise to a point of order. You have already ruled that both the parts should be taken together. Is the Honourable Member in order to question your ruling?

The Honourable Sir Nripendra Sircar: Sir, you were good enough to send for the Leaders this morning, and I certainly understood from Mr. Jinnah that he wanted the three to be put separately.

Mr. M. A. Jinnah: Is it open to the Honourable the Leader of the House to disclose any conversation that might have taken place not on the floor of the House, but in private?

Mr. President (The Honourable Sir Abdur Rahim): That conversation was not confidential, and, as a matter of fact, the Chair has itself stated more than once what happened in the President's Chamber when the Leaders of Parties were consulted.

The Honourable Sir Nripendra Sircar: I am not suggesting that he is estopped by it or that he cannot change his mind. What I do point out is a thing which relates to the merit of the question and it is unfair to change without notice. We look at it in this way. Supposing a person is of the opinion that legislation should not be proceeded with on the scheme of an all-India Federation and his opinion further is that, as

[Sir Nripendra Sircar.]

regards the scheme of Provincial Government, it is quite satisfactory and the Second Chambers and extraordinary and special rules, etc., are not objectionable, then the two matters are quite distinct. If a person has one opinion on one thing and another opinion on another thing, the two things are quite different. That is my submission. I may agree with my Honourable friend, Mr. Jinnah, that I will not have legislation on this all-India Federation, but I may disagree with him as regards the Provincial Governments.

Mr. M. A. Jinnah: As I am in charge of this amendment, I must make my position quite clear to this House. It is perfectly correct that my original intention was that this amendment should be put in three parts. It has been pressed upon me, and I find a very strong reason why I should yield, that parts 2 and 3 should be put together. And the strong reason is this. The amendment says, 'That for the original motion, the following be substituted'. Therefore, one part being carried, which is purely a question of the Communal Award, the second part is the constitutional part. And, therefore, if I have to move as a substitute, both must be put together. I was impressed and saw the reason of this, and, I am, therefore, perfectly willing to agree to it.

Mr. A. H. Ghuznavi: Sir, on a point of information. I should like to know what is the real difference between Mr. Jinnah's amendment, part 3, and the barred amendments?

Mr. President (The Honourable Sir Abdur Rahim): The barred amendments related to the whole scheme and were exactly like the one already voted upon.

Mr. Deep Narayan Singh (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): The barred amendments did not say anything about the Communal Award while this includes it, and that is a big difference.

The Honourable Sir Nripendra Sircar: I want to say only one word.

Mr. M. A. Jinnah: Sir, I ask for your ruling. Is the Honourable the Leader of the House entitled to speak twice on a question of procedure?

The Honourable Sir Nripendra Sircar: With the permission of the Chair, I can speak twice.

Mr. M. A. Jinnah: I want your ruling, Sir, as to whether the Honourable the Leader of the House can speak twice on a question of procedure.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it is the practice to allow one Honourable Member to speak more than once. The Chair thought, as a matter of fact, that he was saying something by way of personal explanation.

This is really not a matter on which, so far as I know, there are any precedents for the Chair's guidance. The Chair has, therefore, to decide the point of order raised on *a priori* grounds. The Chair does think that, as the Honourable the Mover says, it is part of a scheme, and if the two parts are put separately to the vote, it may be very difficult to ascertain what the views of the House are as regards the scheme which is embodied in the Joint Parliamentary Committee Report. The Chair

will, therefore, put both these parts together as it thinks that that will enable it to ascertain the sense of the House as regards the amendments sought in the scheme of Government as expounded in the Joint Parliamentary Committee Report.

The question is:

✓ That the following do stand part of Mr. Jinnah's amendment:

2. As regards the scheme of Provincial Governments, this House is of opinion that it is most unsatisfactory and disappointing, inasmuch as it includes various objectionable features, particularly the establishment of Second Chambers, the Extra-ordinary and Special powers of the Governors, provisions relating to Police rules, Secret Service and Intelligence Departments, which render the real control and responsibility of the Executive and Legislature ineffective and therefore unless these objectionable features are removed, it will not satisfy any section of Indian opinion.

3. With respect to the scheme of the Central Government, called 'All-India Federation' this House is clearly of opinion that it is fundamentally bad and totally unacceptable to the people of British India and therefore recommends to the Government of India to advise His Majesty's Government not to proceed with any legislation based on this scheme and urges that immediate efforts should be made to consider how best to establish in British India alone a real and complete Responsible Government and with that view take steps to review the whole position in consultation with Indian opinion without delay."

The Assembly divided:

AYES—74.

Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr. Muhammad.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Ba Si, U.
Badi-uz-Zaman, Maulvi.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Sriyut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Ganba, Mr. K. L.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedhe Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rajan Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Shafi Daudi, Maulvi Muhammad.
Sham Lal, Mr.
Sheodass Daga, Seth.
Sherwani, Mr. T. A. K.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Deep Narayan.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.
Ziauddin Ahmad, Dr.

Abdoola Haroon, Seth Haji.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Bajoria, Babu Baijnath.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Buss, Mr. L. C.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Drake, Mr. D. H. C.
 Ebrahim Haroon Jaffer, Mr. Ahmed.
 Fazl-i-Haq Piracha, Khan Sahib
 Shaikh.
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Grigg, The Honourable Sir James.
 Hockenhull, Mr. F. W.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jehangir, Sir, Cowasji.
 Kirpalani, Mr. Hiranand Khushiram.

Lal Chand, Captain Rao Bahadur
 Chaudhri.
 Lindsay, Sir Darcy.
 Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Mr. H. A. F.
 Milligan, Mr. J. A.
 Mody, Mr. H. P.
 Monteath, Mr. J.
 Morgan, Mr. G.
 Mukharji, Mr. N. R.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nayar, Mr. C. Govindan.
 Noyce, The Honourable Sir Frank.
 Owen, Mr. L.
 Raisman, Mr. A. J.
 Rajah, Raja Sir Vasudeva.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Scott, Mr. W. L.
 Sher Muhammad Khan, Captain
 Sardar.
 Singh, Mr. Pradyumna Prashad.
 Sinha, Raja Bahadur Harihar Prosad
 Narayan.
 Sircar, The Honourable Sir
 Nripendra.
 Sloan, Mr. T.
 Swithinbank, Mr. B. W.
 Tottenham, Mr. G. R. F.
 Yakub, Sir Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has now to put the entire amendment to the House:

"That for the original motion, the following the substituted....."

Mr. Bhulabhai J. Desai: On a point of order, Sir: this is not a case of a substitution of a clause in a Bill by way of substantive motion. We have had the opinion of the House as it was competent for you to ascertain it. I would refer to section 145—or rather paragraph 145 of the Manual. It is really defeating the purpose of that rule. Rule 145 says:

"When any Resolution involving several points has been discussed, it shall be in the discretion of the President to divide the Resolution and put each or any part separately to the vote as he thinks fit."

Therefore, that has been done, and the vote has now been recorded, and there is nothing more left.

The Honourable Sir Nripendra Sircar: Rule 145 has nothing to do with it. The Resolution which was put to the House was that such and such things stand part of the amendment. The next one was that somebody else's stand part of the amendment. The practice in this House is that

the amendment has got to be put before the House (*Several Honourable Members:* "No, no.") That has been the systematic and universal practice in this House. Rule 145 merely says:

"When any Resolution involving several points has been discussed, it shall be in the discretion of the President to divide the Resolution and put each or any part separately to the vote as he may think fit."

Now, that has been done. But what has not been done is that no amendment has yet been put to the House. What was put is that (a), (b) and (c) stand part of the amendment, then the (d), (e) and (f) stand part of the amendment. But what is the amendment that is going to be put before the House? Mr. President, I would ask you to remember what is the course that is followed in this House and to judge for yourself as to whether, because the Resolution has been divided and put to the vote separately, therefore, the amendment has not got to be put to the House. That has never been put to the House.

Mr. M. A. Jinnah: I submit, Sir, that if you are going to adopt this procedure, you will reduce the whole thing to a perfect farce. That is what the Government want. (Hear, hear), and I hope that you will not be a party to that, because the Government desire it. I want you, Sir, to decide this matter on merits. What was the motion? The motion was that the Report be taken into consideration. It does not say whether you should accept the Report or not. Now, that being the nature of the motion, you have got three propositions which deal with rather two subjects now. There were three propositions before, but there are only two now. One is the Communal Award. The House had decided in favour of the Communal Award. Then it becomes a proposition. It is not an amendment in the strict sense of the word. The House then says 2 and 3, that so far as the constitutional scheme is concerned, this is our opinion. It is not an amendment, it is a proposition, and these two propositions having been accepted by the House, I say it will be a farce to say that you should put the whole of it, having put it separately in order to ascertain the view of the House.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to know what the Honourable Member has to say. The Chair was proposing the question that for the original motion the following be substituted. That has not been put to the House.

Mr. M. A. Jinnah: Perfectly true, but the House has decided that for the original motion the other one be substituted. It is decided. . . .

The Honourable Sir Nripendra Sircar: No, no.

Mr. M. A. Jinnah: It has been decided by the House that for the original motion, No. 1—the Communal Award—be substituted. That is the proposition which has been accepted, surely. Otherwise, there is no meaning. Why did you put them separately then? The whole object of putting it separately was to ascertain the true opinion of the House on each point. You have ascertained that opinion. That opinion stands. There is no regular motion in the strict sense of the word, and there is no regular amendment in the strict sense of the word, and, therefore, we cannot follow the procedure which has been suggested to you. It is not a motion in the strict sense of the word, nor is it an amendment; they are propositions, and you, Sir, yourself accepted the position that they should be put separately as propositions. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair was simply trying to meet the desire of the Honourable Members.

Mr. M. A. Jinnah: If you will kindly refer to the rule, Sir, you will see that it is entirely within your discretion. You will also find that in rule 144, it is entirely in your discretion, and you will find that clause (2) of rule 144 says this:

"It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward . . ."

The Honourable Sir Nripendra Sircar: Quite right.

Mr. M. A. Jinnah: Even then you would not put the motion last. You can put the motion first if you like and then put the amendment, or put the amendment first and the motion afterwards, but in this case there is no motion in the strict sense of the word.

Maulvi Muhammad Shafi Daudi (Tirhut Division: Muhammadan): Sir, we have got a precedent now in this matter. You have allowed part 1 of Mr. Bhulabhai Desai's motion to be voted upon, and then you put the second part of his motion also to be voted upon (*Several Honourable Members:* "No, no.") Yes, certainly, and after the two were voted upon, Sir, you did not put the two together.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the amendment was tabled by Mr. Jinnah in three parts, and the whole of the amendment formed one complete whole. It was really for the sake of convenience of voting that you allowed the House to vote on 1, 2, and 3 separately. It is always open to the Chair to take the voting on the amendment as a whole or on each part separately. It was only for the sake of convenience that you allowed the House to vote on these separately.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I will only ask you to remember that the questions that you put to the House were that two separate propositions stand part of the amendment. As I understand the position, we have now built up the amendment in a form to be put before the House. It is still open to you, Sir, to say that this is an amendment which raises more than one issue, and to put the issues separately. The House has not come to a final decision. That is the point you have to put. We have done nothing with respect to the original motion. We have, by a process of divisions, built up an amendment. It is for you, Sir, to decide how you will put the amendment. I think that is a position which will be fair to all sides of the House.

Mr. S. Satyamurti: May I say one word? This rule gives you discretion to divide the motion and put it in parts. It will defeat the very purpose of this rule, if you accede to this proposition. I appeal to you as the custodian of the rights of this House to vindicate the right of this House to express its opinion on different parts.

Mr. T. A. K. Sherwani (Agra Division: Muhammadan Rural): There was a motion put before the House that a certain report should be considered, which really meant that the House should express its opinion on

that particular report, and the House has given its opinion. ("No, no," from the Official Benches.) The House has given its opinion on that report. Instead of in one part, it has given its opinion in two parts. What vote remains? I cannot understand. What more remains? You want the opinion of the House on the Joint Parliamentary Committee Report and the House has given its opinion on the Joint Parliamentary Committee Report. That is the only thing you wanted and I respectfully submit that there is nothing which remains and it is only mischief on the part of the Government.

Mr. President (The Honourable Sir Abdur Rahim): This point of order, so far as the Chair knows, has arisen for the first time, and the Chair has not been referred to any previous ruling on the subject. The Rules and Standing Orders do not exactly cover a case like this. There can be no doubt, however, that the Chair has the discretion to put different parts of a motion like this to the vote of the House. The Chair has now to consider what is the effect of the votes that have already been taken. The original motion was merely that the Report of the Joint Parliamentary Committee be taken into consideration. The Chair takes it that the only object of that motion was to elicit the opinion of the House on the scheme embodied in that Report as far as possible, and, by the votes which the House has given on Mr. Jinnah's amendment, it has recommended to the Government of India to convey to His Majesty's Government three propositions, one as regards the Communal Award, and the others as regards the provincial scheme of Government and the scheme for Central Government. This is very different from a 'motion for consideration' of a Bill which this House can deal with finally or any other motion containing definite substantive proposals. The opinion of the House has been expressed on the Report, and, therefore, the question that has been raised relates only to the form in which the decisions of this House should be recorded. No doubt, the amendment of Mr. Jinnah was that "For the original motion, the following be substituted". The Chair is not at all certain itself that that was the proper form, but any way, that is the form which has been used in a similar case before, and the Chair believes it has only been copied in this case. The whole position is that the decision of this House on the propositions put forward in this amendment or motion of Mr. Jinnah have to be forwarded to His Majesty's Government for information. The Chair does not think, having regard to the nature of the motion as well as of the so-called amendments that have been discussed and voted upon, that there is really any serious difficulty in the way of the decisions of the House on the motion and the amendments being properly carried out. The Chair thinks that it would be in accordance with the desire of the House as expressed in its votes that the decisions should remain on record as given and should be communicated to His Majesty's Government. (Cheers.) The Chair, therefore, rules that, in the peculiar circumstances of the case, it is not necessary to put any further question to the House. (Loud Applause.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 11th February, 1935.

LEGISLATIVE ASSEMBLY.

Monday, 11th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock. Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN:

Khan Bahadur Mian Abdul Aziz, C.B.E., M.L.A. (Punjab: Nominated Official).

QUESTIONS AND ANSWERS.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

87. ***Mr. Mohan Lal Saksena:** (a) Are Government aware of the anti-Indian ordinances passed by the Zanzibar Government and the present plight of Indians?

(b) What steps, if any, have Government taken to help Indians in Zanzibar in their present difficulty?

(c) Why have Government withheld the publication of Mr. Menon's report? Do they propose to publish it at an early date?

Mr. G. S. Bajpai: (a), (b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 6th February to Dr. Deshmukh's question No. 71.

GOLD EXPORTED FROM INDIA.

88. ***Mr. Mohan Lal Saksena:** What is the total quantity of gold exported from India since the time England went off the gold standard?

The Honourable Sir James Grigg: Approximately 27½ million fine ounces between the 22nd September, 1931, and the 12th January, 1935.

Mr. Mohan Lal Saksena: How much of this amount of gold has been imported by England?

The Honourable Sir James Grigg: I could not say without notice. I am not sure that I can say at all.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that the major portion of this gold has come from villages?

The Honourable Sir James Grigg: That, I think, is an assertion which has no statistical basis.

Dr. Ziauddin Ahmad: Is not most of the gold distress gold?

The Honourable Sir James Grigg: That is a matter on which very widely different opinions are held.

Mr. Mohan Lal Saksena: Is the Honourable Member aware of the suggestion to impose an export duty on gold?

The Honourable Sir James Grigg: Yes, Sir.

Mr. Mohan Lal Saksena: What do the Government propose to do with regard to that suggestion?

The Honourable Sir James Grigg: Government do not give advance notice of their intention in matters of taxation.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that during his time 4,000 camel loads of gold have been exported out of India? Assuming that one camel load is five maunds as against 1,200 camel loads of treasure that was looted by Mahmud of Ghazni

Mr. President (The Honourable Sir Abdur Rahim): That is not a proper question.

EXTRA INCOME FROM THE ENHANCED POSTAGE RATES ON BOOK PACKETS.

89. ***Mr. Mohan Lal Saksena:** What is the total amount of extra yield from the enhanced postage rates on book packets during the last nine months?

The Honourable Sir Frank Noyce: It is not possible to furnish accurate information regarding the extra yield from the enhanced postage rate on book packets as no separate account for the different classes of postal traffic is maintained. On the basis of enumerations made during one week in August, 1933, and August, 1934, the extra yield on account of postage on book packets during the nine months April to December, 1934, as compared with the corresponding period in 1933, may be estimated at approximately 10 lakhs.

VILLAGE INDUSTRIES AND VILLAGE RECONSTRUCTION SCHEMES OF CONGRESS.

90. ***Mr. M. Asaf Ali:** (a) Has Government's attention been drawn to an article which appeared on page one, columns two and three in the *Hindustan Times* of the 3rd January, 1935, from the Bombay Correspondent of that newspaper, under the heading "Gandhi As Astute and Powerful As Ever"?

(b) Will Government please place on the table a copy of the circular referred to in that article?

(c) Do Government propose to lend any help and co-operation to the Village Industries and Village Reconstruction schemes of the Congress? If so, in what form?

In view of the discussion that took place here the other day, I do not think I need put (a) and (b). I only want an answer to part (c).

The Honourable Sir Henry Craik: The answer to part (c) is:

"I have nothing to add to what I stated in the debate on the Adjournment motion on January 21st."

Mr. M. Asaf Ali: Does the Honourable Member suggest that the Government are not prepared to help the Village Industries' Association?

The Honourable Sir Henry Craik: I made the position of Government perfectly clear when speaking in this House on the 21st January.

Mr. S. Satyamurti: Has the Honourable the Home Member's attention been drawn to Mahatma Gandhi's statement about the objects of this Association published the day after the debate?

The Honourable Sir Henry Craik: I saw that.

Mr. S. Satyamurti: In view of that statement, do Government propose to alter their position or have they considered it at all?

The Honourable Sir Henry Craik: Government will take that statement into consideration.

Mr. S. Satyamurti: May I know if the Honourable Member's attention has been drawn to the statement of the Secretary of State in the House of Commons that Government will take steps against this Association, if it is used for any political purposes? Was that statement made with the consent or knowledge of the Government of India?

The Honourable Sir Henry Craik: I do not remember seeing that statement. If the Honourable Member will put down a question on that subject, I will look into the matter.

Mr. S. Satyamurti: Has any correspondence passed between the Government and the Secretary of State on this matter after the debate?

The Honourable Sir Henry Craik: After the debate here?

Mr. S. Satyamurti: Yes.

The Honourable Sir Henry Craik: I do not think so.

Mr. M. Ananthasayanam Ayyangar: Are Government prepared to encourage the Village Industries' Association independently of the Congress?

Mr. President (The Honourable Sir Abdur Rahim): The position of Government has been made amply clear as the Honourable Member has said. It is no good pursuing the matter any further.

NON-REPLACEMENT OF THE OFFICIAL CHAIRMAN BY A NON-OFFICIAL ELECTED CHAIRMAN OF THE DELHI MUNICIPAL COMMITTEE.

91. *Mr. M. Asaf Ali: (a) Is it a fact that by a Resolution, dated the 16th May, 1918, Government recommended the replacement of official nominated Chairmen of Municipalities by non-official elected Chairmen, and in pursuance of the said Resolution, the Delhi Municipal Committee recommended by its resolution No. 1, dated the 5th May, 1920, the election of a non-official Chairman?

(b) Is it a fact that effect was not given to this recommendation of the Delhi Municipal Committee down to the beginning of 1934?

Mr. G. S. Bajpai: (a) and (b). In paragraph 8 of their Resolution dated the 28th April, 1915, of which mention is made in paragraph 7 of the Resolution referred to by the Honourable Member, the Government of India expressed full sympathy with the views of the majority of the Local Governments that, so far as possible, non-official Chairmen should be substituted for officials. But the Delhi Municipal Committee's Resolution of 1920 has, on two subsequent occasions, been reversed. As recently as the 3rd May, 1934, the Committee resolved in favour of continuing an official President.

Mr. M. Asaf Ali: Will the Honourable Member state why no steps were taken between 1921 and 1934?

Mr. G. S. Bajpai: In 1931, that is to say, three years before 1934, the Municipality of Delhi rejected a recommendation in favour of a non-official Chairman on the ground that, in the interests both of the City and of the Committee, Delhi should still have an official President.

Mr. M. Asaf Ali: That is not an answer to my question at all. I wanted to know why no steps were taken between 1921 and 1933?

Mr. G. S. Bajpai: Because the prior Resolution was passed in 1931 and not in 1933, my answer is correct.

Mr. M. Asaf Ali: I am afraid that is not correct.

Mr. G. S. Bajpai: My Honourable friend's question must be limited to the period between 1921 and 1931. I should say that we were waiting for second and better thoughts.

Mr. M. Asaf Ali: Again this is evading the question. I have distinctly asked

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has not got an answer to his question, he should put a further question, but not make reflections.

Mr. M. Asaf Ali: I do not mean to reflect on anybody. My question is a very simple one. On the 5th May, 1920, the Committee passed a Resolution asking for the substitution of a non-official President in place of an official President. Why were not any steps taken in regard to that Resolution.

Mr. G. S. Bajpai: The position probably is that in 1920, the Chief Commissioner considered the Resolution and recommended to the Government of India that there was not such unanimity or weight of opinion in favour of a change as to justify a change.

DUTIES PERFORMED BY THE DEPUTY COMMISSIONER OF DELHI AND RETRENCHMENT OF THE POST OF THE CHIEF COMMISSIONER.

92. *Mr. M. Asaf Ali: (a) Is it a fact that the Deputy Commissioner of Delhi ordinarily performs no magisterial duties as District Magistrate, and an additional District Magistrate ordinarily does all the magisterial work of the District Magistrate?

(b) Are Government prepared to consider whether it is not possible to relieve the Deputy Commissioner of the duties of the President of the Delhi Municipal Committee and invest him with the powers now exercised by the Chief Commissioner, and retrench the post of the Chief Commissioner? If not, why not?

The Honourable Sir Henry Craik: (a) No. The Deputy Commissioner retains in his own hands the more important functions of the District Magistrate.

(b) The Delhi Municipal Committee has, on two separate occasions within recent years, voted in favour of retaining the Deputy Commissioner as its *ex-officio* Chairman and Government do not at present propose to disturb that arrangement. The second part of the question does not therefore arise.

Mr. M. Asaf Ali: Will the Honourable Member please tell the House what particular duties are performed by the Deputy Commissioner apart from magisterial work, because I believe he does no magisterial work at all?

The Honourable Sir Henry Craik: I have just informed the Honourable Member that he retains in his own hands the more important functions of the District Magistrate.

Mr. M. Asaf Ali: Which are these more important functions? What are they? Are we not entitled to know something about their nature?

The Honourable Sir Henry Craik: The duties of a District Magistrate include a very wide range of subjects which I do not think I can recite at full length now, but there are various important duties which are not purely judicial and which District Magistrate has to perform.

Mr. M. Asaf Ali: How many days does he devote to *moolakats* every week? How many hours does he devote to these every day in the week?

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member translate that expression?

Mr. M. Asaf Ali: That is, meeting grandies, nobles and all those people who always hang round the District Magistrate, and all other officials?

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The Honourable Sir Henry Craik: I cannot give details of that kind without notice, but I am aware that the Deputy Commissioner has a very full day's work.

Mr. M. Asaf Ali: Is not the whole of his time taken up by municipal work?

The Honourable Sir Henry Craik: Very far from it.

Mr. M. Asaf Ali: How many days does he attend to municipal work in a week?

The Honourable Sir Henry Craik: If the Honourable Member wishes to know, he had better put down a question.

Mr. President (The Honourable Sir Abdur Rahim): The Chair must tell the Honourable Member that the object of putting a supplementary question is to elucidate any point that has been left obscure in the answer and not to ask a fresh, new question.

ANNUAL EXPENDITURE ON THE ADMINISTRATION OF THE DELHI DISTRICT IN 1910-11 AND DELHI PROVINCE IN 1932-33.

92. ***Mr. M. Asaf Ali:** (a) Is it a fact that the area and population of Delhi District, prior to 1911 were larger than those of the Delhi Province of today?

(b) Will Government be pleased to state the comparative annual expenditure on the administration of the Delhi District in 1910-11, and Delhi Province in 1932-33?

The Honourable Sir Henry Craik: (a) Yes.

(b) In 1910-11 the Delhi District formed part of the Punjab Province and separate figures for expenditure are not available. The total expenditure in 1932-33 is given on pages 638 to 670 of the Demands for Grants for 1934-35, copies of which are available in the Library of the House.

Mr. M. Asaf Ali: Is it a fact

Mr. President (The Honourable Sir Abdur Rahim): Is it a supplementary question?

Mr. M. Asaf Ali: Yes, Sir. Is it a fact that the expenditure on the Delhi Province today is much smaller than the expenditure on the Delhi District of old, I mean the expenditure on the Delhi Province now is much larger than expenditure on the old Delhi District?

The Honourable Sir Henry Craik: Smaller or larger?

Mr. M. Asaf Ali: Larger, that is, they are spending a good deal more on the Delhi Province today than they ever did on the Delhi District of old.

The Honourable Sir Henry Craik: Sir, the Delhi Province includes the Capital of India, and it is quite possible that the expenditure is larger, but I may inform the Honourable Member that figures are not available for the expenditure on the old Delhi District as a separate unit before 1910-11.

Mr. M. Asaf Ali: Will Government be prepared to consider the question of the Delhi Administration being too heavy, in view of all these facts?

Mr. President (The Honourable Sir Abdur Rahim): That is arguing. The Honourable Member can ask the Government to reconsider the matter.

Mr. M. Asaf Ali: Will Government be prepared to consider the question of the expenditure on Delhi Province under the present circumstances, since it appears that the Administration is too-heavy.

The Honourable Sir Henry Craik: I am not satisfied that that administration is too-heavy.

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion. Next question. Mr. Asaf Ali.

URDU NOTICES ISSUED BY THE INCOME-TAX OFFICERS, DELHI PROVINCE, AND ABSENCE OF A WAITING ROOM IN THE INCOME-TAX OFFICE FOR ASSESSEES.

94. ***Mr. M. Asaf Ali:** (a) Are Government aware that the printed Urdu Notices issued by the Income-tax Officers, Delhi Province, are couched in a language, which is generally regarded impolite?

(b) Are Government aware that there is no waiting room in the Income-tax Office for assesseees, who have to await their turn, when they are summoned for inspection of their account-books or otherwise?

Mr. A. J. Raisman: (a) Some of the forms, to which the Honourable Member is referring, have already been revised and worded more politely. The remaining forms will be similarly revised when they are next printed.

(b) An enclosed verandah is at present provided for assesseees. Steps have been taken to improve it, as much as possible, pending the provision of a more suitable waiting room.

PUBLICATION OF THE DELHI PROVINCIAL BULLETIN.

95. ***Mr. M. Asaf Ali:** (a) Will Government be pleased to state how many copies per issue of the Delhi Provincial Bulletin are published?

(b) How many times per month was it issued during 1933, and how often is it issued now?

(c) How much has its printing, editing, and circulation cost during 1932, 1933 and 1934?

(d) What is the number of (i) its subscribers, and (ii) its readers on the free list?

(e) Who is its (i) Editor and (ii) Manager?

The Honourable Sir Henry Craik: Sir, with your permission, I will answer questions Nos. 95 and 97 together. I am making enquiries into the matter and will lay a statement on the table in due course.

DUTIES PERFORMED BY SARDAR SAHIB MAHTAB SINGH, INDUSTRIAL SURVEYOR, DELHI.

96. *Mr. M. Asaf Ali: (a) Will Government please state how long Sardar Sahib Mahtab Singh, the Industrial Surveyor has been in Delhi?

(b) What duties other than those of the Industrial Surveyor have been entrusted to him?

(c) Does he receive any extra allowance for these extra duties? If so, could these extra duties be performed by persons engaged for this purpose?

(d) Is it a fact that the Industrial Surveyor has also been in charge of the Delhi Province Bulletin? If so, will Government please state what experience of conducting a news periodical he had prior to his appointment?

The Honourable Sir Henry Craik: (a) Since January, 1924.

(b), (c) and (d). The Industrial Surveyor has performed, in addition to the ordinary duties of an Industrial Surveyor, such work as is assigned in major provinces to industrial chemists, labour bureaus, statistical officers, and Inspectors of Factories. He is also employed by the Chief Commissioner as a publicity officer.

There is no question of extra duties or extra allowance, and the officer is required to carry out such duties as may be assigned to him by the Chief Commissioner.

PUBLICATION OF THE DELHI PROVINCIAL BULLETIN.

97. *Mr. M. Asaf Ali: (a) What have been the total expenditure and income from the publication of the Delhi Provincial Bulletin during the past three years?

(b) Who has financed this journalistic venture?

ALLEGATIONS AGAINST THE INDUSTRIAL SURVEYOR, DELHI.

98. *Mr. M. Asaf Ali: (a) Are Government aware that complaints were made in the press that the Industrial Surveyor of Delhi took part in canvassing in rural area, especially, during the last election of a member of the Legislative Assembly?

(b) Are Government aware that the Deputy Commissioner was also apprised of the fact that some Government servants were acting as partisans?

(c) Did Government take any steps to ascertain the truth, and if so, with what results?

The Honourable Sir Henry Craik: (a) No.

(b) The Deputy Commissioner received a letter from the Honourable Member in which it was alleged that certain persons were informing the public that officials were anxious that the candidate put forward by the Congress should be defeated.

(c) As the letter in question was of an entirely vague nature, the Deputy Commissioner did not find it possible to take any action.

†For answer to this question, see answer to question No. 95.

UNSUITABILITY OF THE COURT BUILDINGS IN DELHI.

99. *Mr. M. Asaf Ali: (a) Is it a fact that most of the court buildings in Delhi are more than half a century old?

(b) Is it a fact that they are scattered in four distant places?

(c) Are Government aware that there is a strong feeling that the courts should be situated in one central place within easy access of litigants?

(d) Are Government aware that the Red Fort in Old Delhi is regarded a central place for this purpose, and with slight alterations, the buildings in the Red Fort can serve as courts and requisite offices?

The Honourable Sir Henry Craik: (a) I am not aware of the actual age of the buildings, but they are no doubt old.

(b) and (c). Some improvements and extensions are no doubt desirable.

(d) No such suggestion has previously been made to Government. Some parts of the Fort contain ancient buildings preserved under the Ancient Monuments Preservation Act, 1904, and the remaining buildings are required by the military authorities.

Mr. M. Asaf Ali: I should just like to know if some of these barracks cannot be used for that purpose. I am not referring to these preserved monuments, but I am now referring to other buildings which are being used by the military. Are you prepared to give them up?

The Honourable Sir Henry Craik: That is for the Army Department to answer, but I imagine not.

Mr. M. Asaf Ali: I just want to ask one more supplementary question. Are Government prepared to consider the desirability of providing Courts in one place for the litigants, because now they are scattered in four different places?

The Honourable Sir Henry Craik: Well, I may inform the Honourable Member that, as a constituent of his, I naturally take a great interest in his question, and since I received notice of this question, I went myself to inspect the District Courts of Delhi, where I worked myself many years ago. I agree that they are congested, and that improvements are possible, but I should think, with a certain amount of re-arrangement, extra accommodation could be provided on the present site.

Mr. M. Asaf Ali: I wonder if ever the Honourable Member's attention was drawn to the opinion of the Honourable the Chief Justice of the High Court of Judicature at Lahore who considered that these Courts were in a perfectly scandalous condition and he thought it was a perfectly scandalous state of affairs that the Courts in the Imperial Metropolis should be in the condition in which they were.

The Honourable Sir Henry Craik: No, Sir, I have not seen that.

DEMOLITION OF THE SOUTHERN CITY WALL BETWEEN OLD AND NEW DELHI.

100. ***Mr. M. Asaf Ali:** (a) Is it a fact that the southern City Wall between Old and New Delhi is not a protected monument, and in many places it is in a dangerously dilapidated condition?

(b) Do Government propose to demolish it altogether? If not, why not?

Mr. G. S. Bajpai: (a) No portion of the city wall between Old and New Delhi is a protected monument under the Ancient Monuments Preservation Act; only the Delhi and Ajmeri Gates are protected. There is no immediate danger of the collapse of any part of the wall.

(b) Government consider that the question of demolition cannot usefully be taken up until the municipal committee are in a position to undertake some scheme of improvement of the inhabited area immediately behind the wall.

Mr. M. Asaf Ali: What scheme of improvement could the Honourable Member suggest?

Mr. G. S. Bajpai: Sir, the matter was gone into rather carefully by Mr. Crosthwaite, and his opinion was that the tonga-wallas who seem to be living immediately behind the City wall might be removed from there, and further that arterial connection should be opened up between this area and the rest of the City; otherwise, the main object of the demolition, which is to allow access from the City to New Delhi, will not be achieved.

ALLOTMENT OF CERTAIN PLOTS OF LAND IN DELHI FOR RESIDENTIAL PURPOSES.

101. ***Mr. M. Asaf Ali:** (a) Is it a fact that prior to 1857 (i) the vacant plots of land lying between the moat of the Red Fort in Old Delhi and the road known as the Mall or Lothian Road, "Champs Des Mars", and the "Pipal Park" all of which are within the "Fort Zone" were sites of residential houses of citizens of Delhi, (ii) some of the historical bazars such as Begum-ka-Bazar, Khas Bazar, Urdu Bazar, etc., were also situated in this neighbourhood, and (iii) all of them were razed to the ground in or about 1858?

(b) Is it also a fact that the entire area from Calcutta Gate to Dufferin Bridge now occupied by the Railways, was one of the thickly populated parts of the old city of Delhi before 1857?

(c) Is it a fact that (i) the population of the old city of Delhi has nearly doubled during the last 30 years, and (ii) are Government aware that the congestion in the city and insanitary conditions have led to an alarming increase of deaths and diseases?

(d) Are Government aware that the alarming health conditions, particularly the increasing prevalence of tuberculosis in Old Delhi, are a serious menace to the health of the residents of New Delhi?

(e) Is it a fact that large vacant plots of land in Daryaganj are still held by Government?

(f) Will Government please state why they are not available for residential buildings?

(g) Do Government propose to allot land for the expansion of Old Delhi towards the West and North?

Mr. G. S. Bajpai: (a) and (b). The information asked for by the Honourable Member is not readily available.

(c) (i). The population of Delhi city has risen from 206,534 in 1901 to 365,527 in 1931.

(ii) Government are aware that congestion, combined with unsatisfactory sanitary conditions, adversely affects the public health.

(d) Government recognise that the existence of insanitary conditions in any area is a potential danger to residents in adjoining areas.

(e) Vacant plots are held by the Government.

(f) It would not be practicable to make this area available for residential and shop sites until it can be provided with roads, drains, water supply and lighting. A scheme for the development of the area was estimated for, some time ago, but could not be proceeded with owing to financial stringency. The matter is under examination again.

(g) So far as the Western extension is concerned, Government have already decided to spend a sum not exceeding Rs. ten lakhs. Two proposals regarding the development of certain Nuzul areas in the North, are still under consideration.

Mr. M. Asaf Ali: With reference to part (a) of the question, the Honourable Member has said that no information is available. Does he suggest that he has not even been able to read some of those books which are to be found in this very Library with regard to the subject-matter of this question?

Mr. G. S. Bajpai: I submit that since notice of this question was received, my pre-occupations with other business, particularly the business of the Assembly, have been such as not to leave much time for historical research.

Mr. M. Asaf Ali: Does the Honourable Member suggest that the Government are totally unaware of the fact that the "Champs Des Mars" and the neighbouring land were the sites of residential buildings and that these residential buildings were pulled down after the Mutiny? And are they not aware that this is a fact which is noticed by any one and it is considered an act of tremendous injustice and also an act of terrorization?

Mr. G. S. Bajpai: I am not concerned with the acts of terrorization which my Honourable friend says were perpetrated in the past but with the municipal aspect of the question, and I have told my Honourable friend that I have not readily available the historical information which would either confirm or controvert what my Honourable friend has said.

Mr. M. Asaf Ali: With reference to the scheme of extension, are Government prepared to give up all the Nuzul land for development purposes?

Mr. G. S. Bajpai: My Honourable friend has on the order paper questions today relating to the utilisation of Nuzul land, and he might wait until those questions are reached.

ABSENCE OF MEDICAL OR ENGINEERING COLLEGES IN DELHI.

102. ***Mr. M. Asaf Ali:** (a) Is it a fact that there are no medical or engineering colleges in Delhi?

(b) Is it also a fact that there are no facilities for the admission of Delhi students into the medical or engineering colleges outside Delhi?

Mr. G. S. Bajpai: (a) There is no Engineering College, but there is a Medical College for women.

(b) No. Students from Delhi can join the Thomason Civil Engineering College at Roorkee and the Government School of Engineering at Rasool under certain conditions. As regards medical collegiate education, three seats are reserved at the King Edward Medical College, Lahore, for Delhi students. The question of securing greater facilities than at present exist for admission in other medical colleges is being considered by Government.

EMPLOYMENT OF THE RESIDENTS OF DELHI IN GOVERNMENT SERVICE IN THE DELHI PROVINCE.

103. ***Mr. M. Asaf Ali:** (a) Will Government please state how many students have graduated from the Delhi University during the last ten years in (i) Art, (ii) Sciences and (iii) Law, and how many of these have been admitted to Government service in Delhi Province, and in which Departments?

(b) Will Government be pleased to state the total number of Government servants in the Delhi Province and the total number of Delhiwallas employed in each department?

(c) How many posts of (i) Magistrates, (ii) Sub-Judges, (iii) P. W. D. Officers, Overseers, Sub-Overseers, (iv) Police Officers above the rank of Head Constables, (v) Revenue Officers, Assistants, Tahsildars, Naib-Tahsildars, (vi) Income-tax Officers, Auditors and Income-tax Inspectors in the Delhi Province, are held by Delhiwallas?

The Honourable Sir Henry Craik: The information is not readily available and its collection would involve an amount of labour and expense which would not be justified.

Mr. M. Asaf Ali: Is it seriously suggested by Government that information is not available even with respect to

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already only stated that.

Mr. M. Asaf Ali: Does the Honourable Member state that he has no information as regards part (c) of my question?

The Honourable Sir Henry Craik: I said that information was not readily available.

Mr. M. Asaf Ali: May I know the difficulties of the Government in finding out the information about these ordinary matters? You do not even know who are working in your various Departments. How many officers are working

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not argue.

The Honourable Sir Henry Craik: The question is not how many officers are working, but how many of those officers are "Delhiwallas". To ascertain that, we would have to question every officer who is working which would involve considerable time and labour.

Mr. M. Asaf Ali: I sent in this question quite about three weeks ago or perhaps longer still. Will the Honourable Member tell us that he has not had time even during those three weeks to obtain this information?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, it appears, wants to know if he, the Honourable the Home Member, will be able to supply the information to him later on.

Mr. M. Asaf Ali: Yes, Sir.

The Honourable Sir Henry Craik: I do not think the information asked for is of sufficient interest to justify the expenditure of time involved in its collection.

Mr. M. Asaf Ali: Does the Honourable Member maintain that the Delhi people have no right to ask if they have some opening in the administration of Delhi?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member has said that.

Sardar Sant Singh: May I ask, Sir, whether there is any definition of the term "Delhiwallas"?

The Honourable Sir Henry Craik: My Honourable friend should put that question to the Honourable Member who has asked the question.

POST OF THE INDUSTRIAL SURVEYOR OR SUPERINTENDENT OF INDUSTRIES HELD BY A RESIDENT OF DELHI.

104. ***Mr. M. Asaf Ali:** (a) Is it a fact that Delhi is an important centre of trade and industry?

(b) Will Government please state if the post of the Industrial Surveyor or Superintendent of Industries in Delhi Province has ever been held by a resident of Delhi?

The Honourable Sir Frank Noyce: (a) I am happy to be able to tell the Honourable Member that Delhi is an important trade centre and it has considerable industrial activity. (Hear, hear.)

(b) No. I may add for the information of the Honourable Member that an officer for this work has been posted to Delhi for the last 13 years. During that period, there have been only two such officers, both taken from the Punjab cadre, according to the arrangement between the Punjab and Delhi which prevails in a number of departments.

Mr. M. Asaf Ali: Is not a "Delhiwalla" available for that post?

The Honourable Sir Frank Noyce: I submit, Sir, that that question does not arise as there is at present no vacancy. I cannot believe that my Honourable friend is suggesting that the existing incumbent should be removed in order to find room for a "Delhiwalla".

Mr. M. Asaf Ali: Will Government consider the possibility of reverting those estimable and energetic officers?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not make sarcastic remarks.

The Honourable Sir Frank Noyce: No, Sir.

Dr. Ziauddin Ahmad: In view of the fact that in every province, the provincial posts are reserved for the people in that province, should not a similar rule be applied in the Delhi Province?

The Honourable Sir Frank Noyce: I know of no such rule in any province.

Mr. N. M. Joshi: May I ask, Sir, whether the Delhi Province maintains itself by its own revenue?

The Honourable Sir Frank Noyce: This question would perhaps better be addressed to the Department in charge of the Delhi Administration, but I think my Honourable friend knows, as well as I do, what the correct answer to it is.

DELHI OFFICERS TO AND FROM OTHER PROVINCES.

105. ***Mr. M. Asaf Ali:** Will Government please state (a) how many officers have come to Delhi from other Provinces during the last 15 years and (b) how many officers (Delhiwallas) have gone to other Provinces from Delhi during the same period?

The Honourable Sir Henry Craik: The information is not readily available and its collection would involve an amount of labour and expense which would not be justified. I may inform the Honourable Member, however, that so far as the All-India Services are concerned, the inhabitants of the Delhi Province are equally eligible with the inhabitants of other provinces for appointment. There are certain provincial and subordinate services in the Delhi Province for which officers are drawn from the Punjab cadres of those services, the reason being the difficulty of working small self-contained cadres. I should add, however, that the inhabitants of the Delhi Province are definitely eligible for appointment to posts in the Punjab cadres referred to above.

Sardar Sant Singh: Is it not a fact that Delhiwallas are employed in large numbers in the various districts of the Punjab?

The Honourable Sir Henry Craik: It is a fact.

Mr. M. Asaf Ali: May I know how many of them are employed elsewhere?

The Honourable Sir Henry Craik: I cannot give the exact figures for the several services. But I may inform the Honourable Member that in 1929, my predecessor stated that up to that date, since the creation of the Delhi Province, 24 inhabitants of that province have been admitted into the Punjab Civil Service, ten on the executive side and 14 on the judicial side—that is taking a single service.

OPENINGS FOR GOVERNMENT SERVICE PROVIDED TO THE EDUCATED YOUNG MEN OF THE DELHI PROVINCE.

106. ***Mr. M. Asaf Ali:** Will Government state what openings for Government service are provided by the Local Government of Delhi for educated young men belonging to Delhi Province?

The Honourable Sir Henry Craik: In the Subordinate Services, that is, for clerical posts in the various offices of the Delhi Administration, preference is ordinarily given to candidates belonging to Delhi Province. As regards other services, names of candidates are sent to the Punjab Government for direct appointment to the posts of Extra Assistant Commissioner, Sub-Judge, Tehsildar and Naib-Tehsildar, Excise Inspector, Assistant Sub-Inspector of Police and Inspector and Assistant Income-tax Officer in the Income-tax Department.

Further openings are provided, by having Delhi candidates educated at (i) the King Edward Medical College, Lahore, (ii) the Medical School, Agra, (iii) the School of Engineering, Punjab, Rasul, (iv) the Thomason College of Engineering, Roorkee, (v) the Forest College, Dehra Dun, (vi) the Agricultural College, Lyallpur, and (vii) the Central Training College, Lahore. A capitation charge per student sent from Delhi is paid to the Governments of the Punjab and the United Provinces for the training of the candidates in the institutions belonging to those Governments. No appointments are guaranteed, but the students have thus an opportunity of gaining qualifications which may enable them to secure employment.

PERSONS EXTERNEED, INTERNED OR SUBJECTED TO RESTRICTIVE ORDERS IN DELHI.

107. ***Mr. M. Asaf Ali:** (a) How many men have been externed, interned, or subjected to restrictive orders in Delhi during the last four years?

(b) Will Government please state how many of these orders are now in force and how long they will last, and why?

The Honourable Sir Henry Craik: (a) During the last four years 117 persons have been externed, interned or subjected to restrictive orders in Delhi. Of these 76 were externed and 38 subjected to restrictive orders by the Chief Commissioner and three were made State Prisoners by the Government of India under Regulation III of 1818.

(b) There are at present 42 of these orders in force. The desirability of maintaining or cancelling orders of externment or restriction is examined by the Chief Commissioner at regular intervals, and the circumstances of

each particular case receive his full consideration. The cases of persons detained under Regulation III of 1818 are examined every half-year by the Government of India in accordance with the provisions of the Regulation.

REMOVAL OF MR. JUGAL KISHORE KHANNA FROM THE MEMBERSHIP OF THE DELHI MUNICIPAL COMMITTEE.

108. *Mr. M. Asaf Ali: (a) Are Government aware that Mr. Jugal Kishore Khanna, B.A., LL.B., Municipal Commissioner, was removed from the Delhi Municipality by the Local Government on the ground that by making a public speech at a condolence meeting held after Mr. Sen Gupta's death, in respect of which he was convicted under section 17 of the Criminal Law Amendment Act, he had not been true to the Municipal Oath which he had made as a Municipal Commissioner?

(b) Is it also a fact that the Local Government also moved the Lahore High Court to take action against him under the Legal Practitioners Act on account of the same conviction, and the High Court dismissed the Local Government's application?

(c) Will Government please state why the Local Government did not withdraw the order of removal from the Delhi Municipality after the High Court's verdict?

Mr. G. S. Bajpai: (a) The Honourable Member is referred to the reply given by me to part (a) of starred question No. 1005 asked by Mr. B. Das on the 8th November, 1932.

(b) It was the High Court which decided to take disciplinary action under section 12 of the Legal Practitioners Act and clause 8 of the Letters Patent; the local administration merely furnished to the Honourable Court information of the conviction for such action as the Court might consider necessary.

(c) The decision of the High Court did not relate to the decision of the Delhi administration under the Punjab Municipal Act.

Mr. M. Asaf Ali: Will the Honourable Member be pleased to state whether the Local Government are prepared to reconsider their position with regard to Mr. Khanna now?

Mr. G. S. Bajpai: The Honourable Member presumably refers to the disability which continues under sub-section 2 of section 16 of the Punjab Municipal Act?

Mr. M. Asaf Ali: Yes.

Mr. G. S. Bajpai: We will consider that.

STOPPAGE OF AN ACADEMIC DEBATE BY THE VICE-CHANCELLOR OF THE DELHI UNIVERSITY.

109. *Mr. M. Asaf Ali: (a) Will Government be pleased to state if there is any rule or law or an executive order in restraint of free academic lectures, debates or discussions in the Delhi University?

(b) Are Government aware that recently the students of the Delhi University organised an academic debate on the question of "Impeachment of the Secretary of State for India in consequence of the policy pursued in regard to India"?

(c) Is it a fact that after the publication of the notice of this debate, the Vice-Chancellor of the University stopped the debate without assigning any reason therefor? If so, will Government please state whether the Vice-Chancellor acted on his own initiative, or on a suggestion from some higher Government authority?

Mr. G. S. Bajpai: (a) No.

(b) The members of the Law Hall Union organised a Mock Parliament for such a debate.

(c) The Vice-Chancellor of the University stopped the debate on his own initiative.

Mr. M. Asaf Ali: What is the Government's view about prohibiting such an academic debate in a Mock Parliament?

Mr. G. S. Bajpai: My Honourable friend is fully aware that I answer questions or Government supply information as to facts. They do not express any opinion as to whether a Mock Parliament is desirable or not.

Mr. S. Satyamurti: Have Government considered the question that this Vice-Chancellor's action is an interference with the academic freedom of University students, and do Government propose to take any action in the matter?

Mr. G. S. Bajpai: My Honourable friend has been long associated with Universities himself. He will appreciate the fact that the Vice-Chancellor is an autonomous officer of the University, and that it is not for the Government to interfere between him and the University.

Mr. S. Satyamurti: Have Government no power under the Delhi University Act, in connection with this matter?

Mr. G. S. Bajpai: Government do not consider that this is a matter in which such powers as vest in His Excellency the Chancellor could be suitably exercised.

OFFICE OF THE RECTOR OF THE DELHI UNIVERSITY.

110. *Mr. M. Asaf Ali: Is it a fact that the office of the Rector of the Delhi University has been vacant for some time past? If so, why?

Mr. G. S. Bajpai: Yes. During the last few years the Vice-Chancellor has been resident in Delhi, and it has not, therefore, been necessary to appoint a Rector.

Mr. M. Asaf Ali: Do Government propose to abolish the provision in the Delhi University Act which relates to the appointment of a Rector?

Mr. G. S. Bajpai: No, Sir. There is no necessity for the appointment of Rector, as it is a permissive one. A Rector did exist in the past when the Vice-Chancellor was not resident all the time in Delhi itself. We now happily have a Vice-Chancellor who is a resident in Delhi. Should the occasion arise when the Vice-Chancellor is not a resident of Delhi, then the question of reviving the position of Rector will possibly arise.

Munshi Iswar Saran: Are we to understand that a Rector will be appointed only when the Vice-Chancellor happens not to be residing in Delhi all the time?

Mr. G. S. Bajpai: In this particular case, I should say that ordinarily this would be so, because the Rector's function is the same as that of the Vice-Chancellor and the two cannot function together.

Mr. S. Satyamurti: Why should not the Act be amended, providing that a Rector shall be appointed, only when the Vice-Chancellor is a non-resident of Delhi?

Mr. G. S. Bajpai: That is not necessary. The appointment, as I have already said, is permissive, and, if circumstances arise which necessitate the appointment of a Rector, the appointment will be made.

PROVISION FOR A CHAIR OF ORIENTAL LEARNING IN THE DELHI UNIVERSITY.

111. ***Mr. M. Asaf Ali:** (a) Are Government aware that (1) prior to the final extinction of the Moghal Government and (2) down to the establishment of the Delhi University, Delhi was renowned as a centre of oriental learning?

(b) Will Government be pleased to state whether the Delhi University has any provision for a Chair of oriental learning? If not, why not?

Mr. G. S. Bajpai: (a) Yes.

(b) I would ask the Honourable Member to wait for the answer to his question No. 113.

ENCOURAGEMENT OF THE STUDY OF URDU IN THE DELHI UNIVERSITY.

112. ***Mr. M. Asaf Ali:** (a) Will Government please state how many students of the Delhi University have since its establishment graduated in Urdu, the language of the Province?

(b) Will Government be pleased to enumerate the steps the University has taken to encourage the study of Urdu?

Mr. G. S. Bajpai: (a) The Delhi University does not award any Degree in Urdu.

(b) The University has introduced Urdu as a subject of study in the Intermediate (Arts) Course; and as part of a subject in B.A., Pass Course; it has also instituted a qualifying test in the vernacular for the B.A. (Honours) Course.

Dr. Ziauddin Ahmad: Is the Honourable Member aware that Urdu recognised as a regular subject of study both in the B.A. and M.A. courses in the United Provinces which has got a less claim for Urdu than Delhi?

Mr. G. S. Bajpai: That is a piece of information which I have no doubt the University of Delhi will find very useful.

SPECIAL ART OR SCIENCE SUBJECT TAUGHT BY THE DELHI UNIVERSITY.

113. ***Mr. M. Asaf Ali:** Does the Delhi University specialise in any branch of art or science to distinguish its alumni from the products of the numerous other Universities of India?

Mr. G. S. Bajpai: Not as yet: Delhi University is still in its infancy, the important question of its development is under consideration.

PRODUCTION OF BOOKS BY THE TEACHING OR SUPERVISORY STAFF OF THE DELHI UNIVERSITY.

114. ***Mr. M. Asaf Ali:** Will Government please state if any of the Deans of the various Faculties, Heads of Departments, or Readers, Lecturers or Professors of the University, has so far produced (i) any book on any subject, or (ii) any book worthy of inclusion in the curricula of the University?

Mr. G. S. Bajpai: A statement giving the information desired by the Honourable Member is laid on the table.

Statement regarding Books and Publications produced by Teachers of the University of Delhi.

Name of Teacher	Designation.	Publications.
<i>English.</i>		
1. Mr. C. E. Young	Head of the Department (Dean, Faculty of Arts).	1. Commentary on St. Mark. 2. Golden Treasury Book IV. Introduction and Notes.
2. Mr. N. V. Thadani	Lecturer and Principal, Hindu College, Delhi.	1. Mystery of the Mahabharate in five volumes. 2. The garden of the East (work of poems). 3. Krishna's Flute and other poems.
3. Dr. S. Dutt	Reader (Ramjas College)	1. Supernaturalism in the Romantic Movement in English Literature.
4. Mr. R. C. Lorimer	Lecturer (Anglo Arabic College).	Amateur Studies in Milton.
5. Mr. F. F. Monk	Lecturer (St. Stephen's College).	1. *Representative Classical Essays. 2. *Representative Poems.

* Text books prescribed by the University.

Name of Teacher.	Designation.	Publications.
<i>English—contd.</i>		
6. Rev. H. W. Padley	Lecturer (St. Stephen's College).	* Modern Essays.
7. Mr. C. H. C. Sharp	Lecturer (St. Stephen's College).	Modern English Composition.
<i>Mathematics and Physics.</i>		
7A. Dr. Ram Behari	Reader (St. Stephen's College).	1. * A Treatise on Differential Equations. 2. * Geometry of the Parabola and Ellipse. 3. * Intermediate Algebra (jointly with Mr. Sri Ram of the Hindu College). 4. * Intermediate Plan Geometry.
8. Mr. Sri Ram	Lecturer (Hindu College)	1. * Intermediate Algebra (jointly with Dr. Ram Behari). 2. * Intermediate Co-ordinate Geometry.
9. Mr. A. N. Puri	Lecturer (Hindu College)	1. Mathematics for Physics students. 2. Intermediate Physics (with Mr. Sant Ram).
10. Mr. Sant Ram	Lecturer (St. Stephen's College).	Intermediate Physics (with Mr. A. N. Puri).
<i>History.</i>		
11. Dr. T. G. P. Spear	Head of the Department	1. The Nabobs. 2. The Twilight of the Moghul.
12. Mr. D. R. Bhandari	Reader (Ramjas College)	A book on the History of Political Thought (ready for the Press).
13. Mr. K. M. Sarkar	Lecturer (St. Stephen's College).	A Monograph on the Grand Trunk Road in the Punjab.
14. Mr. Bool Chand	Lecturer (Hindu College)	The History of Urdu Journalism in the Punjab.
<i>Economics.</i>		
15. Mr. H. L. Chablani (deceased).	Reader, Head of the Department and Dean, Faculty of Arts.	1. * Indian Currency and Exchange. 2. * Studies in Indian Currency. 3. Memorandum submitted before the Indian Currency Commission, 1926. 4. Central Areas Banking Enquiry Committee Report (in collaboration with other members).
16. Mr. V. G. Kale	Sir Kakabhai Premchand, Reader (Part-time).	Indian National Finance since 1921.
17. Mr. C. K. Vakil	Sir Kakabhai Premchand, Reader (Part-time).	The Economic Outlook in Federal India.

* Text books prescribed by the University.

Name of Teacher.	Designation.	Publications.
<i>Economics—contd.</i>		
18. Mr. K. C. Nag	Reader (St. Stephen's College).	Indebtedness and other allied problems of the Christian shoe-makers in the city of Delhi.
19. Mr. B. N. Ganguly	Reader (Hindu College)	1. The trends of population and Agriculture in the Gargetic Plain. 2. Two chapters in The Economic Problems of Modern India. 3. Indo-Japanese Commercial Agreement.
20. Mr. Radhka Narayan	Lecturer (Hindu College)	Some Aspects of Rural Economic Conditions in Delhi Province.
<i>Sanskrit and Hindi.</i>		
21. Pt. Lachmidhar	Reader and Head of the Department.	1. The Birthplace of Kalidasa. 2. The Home of the Aryas.
<i>Arabic, Persian and Urdu.</i>		
22. S. U. M. Abdur Rahman.	Head of the Department	1. Moqadema of Abn-e-Khaldoon in 3 volumes. Translation from Arabic into Urdu. 2. Miratush Shir in 1 volume. (Recommended in the Curricula of the Delhi University in B.A. Honours). 3. Administration of the Moghul Army in India (in Press).
23. Dr. S. Azhar Ali	Reader (St. Stephen's College).	Khan Khana (Ready for Press) (In English).
24. Mr. Mirza Firoz Bakht.	Lecturer (Ramjas College)	History of Persian Literature (under preparation).
25. Mr. I. H. Qureshi	Lecturer (St. Stephen's College.)	1. Moallim-e-Asward 2. Gunah-ki-Diwar 3. Hamzad 4. Sede Zaboon 5. Naqsh-e-Akhir 6. Nim-Shah } Dramas.
26. Mr. Agha Ashraf Husain.	Lecturer (St. Stephen's College.)	1. Mabadi-e-Ilmul-Maishat (in Urdu). 2. Lisan-u-tair. 3. Insha-e-Jadeed.
<i>Philosophy.</i>		
27. Dr. N. V. Banerji	Reader (Ramjas College)	Kant's view of our knowledge of the Self. (Ready for the Press.)
28. Dr. Indra Sen	Lecturer (Hindu College)	Conception of Self in English Association Psychology.

Name of Teacher.	Designation.	Publications.
<i>Chemistry.</i>		
29. Mr. A. L. Aggarwal	Lecturer (Hindu College)	1. Qualitative Analysis of Inorganic Substances for B.Sc. students. 2. A course of Practical Chemistry for Intermediate students. 3. A Course of Organic Chemistry for Intermediate students. 4. A Course of Physical Chemistry with Calculations for Intermediate. 5. Chemistry of Non-Metals for Intermediate students. 6. Chemistry of Metals for Intermediate students. 7. Methods of Volumetric Analysis. 8. Matriculation Chemistry.
30. Mr. M. L. Goel	Lecturer (Ramjas College)	1. Junior Practical Chemistry for Intermediate. 2. A Course of Inorganic Chemistry.
<i>Law.</i>		
31. Mr. M. S. Shahani	Lecturer (University)	English Constitution (In the Press).
<i>English.</i>		
32. Mr. S. Dutt	Reader	1. Early Buddhist Monachian. 2. The Problem of Indian Nationality.

TEACHING PERIODS IN THE DELHI UNIVERSITY.

115. *Mr. M. Asaf Ali: (a) Will Government please state the average number of weekly periods for which Professors, Lecturers and Readers of the Delhi University are required to take classes?

(b) How do they compare with the teaching periods of the London, Oxford and Cambridge Universities?

Mr. G. S. Bajpai: (a) Two statements giving the information desired by the Honourable Member are laid on the table.

(b) Information regarding teaching periods in the Universities of London, Oxford and Cambridge is not readily available.

STATEMENT I.

Statement regarding the Number of Weekly Periods for which University Appointed Teachers in Delhi are required to take classes.

Name of Teachers.	Designation.	No. of periods per week.
1. Dr. B. D. Laroia	Reader in Chemistry	6 periods lecture work. 18 periods practical work.
2. Mr. Bimal Das Jain	Assistant Lecturer in Chemistry.	18 periods practical work.
3. Dr. D. S. Kothari	Reader in Physics	9 periods lecture work. 15 periods practical work.
4. K. B. Dr. Sir Abdur Rohaman.	Hony. Reader in Civil law.	1

Name of Teachers.	Designation.	No. of periods per week.
1. R. B. Ram Kishore	Hony. Reader in International Law, Hindu & Muhammadan Law.	1
2. Mr. S. N. Bose	Hony. Reader in Criminal Law.	1
3. Mr. M. S. Shahani	Lecturer in Law	14
4. Mr. Bishan Sarup	Lecturer in Law	14
5. Mr. Sarwar Hasan	Lecturer in Law	14
6. R. B. N. K. Sen	Hony. Part-time Reader in Philosophy.	About a 100 lectures a year to B.A. (Hons.) & M.A. classes.

STATEMENT II.

Statement regarding the average Number of Periods for which Teachers in University recognised Colleges in Delhi are required to take classes.

Name of College in which the teacher is employed.	Average number of weekly periods.
1. St. Stephen's College	15 (In addition to tutorial work).
2. Hindu College	21 (In addition to tutorial work).
3. Ramjas College	18 (In addition to tutorial work).
4. Commercial College	24 (In addition to tutorial work).
5. Anglo Arabic College	24 (In addition to tutorial work).
6. Ramjas Intermediate College	24 (In addition to tutorial work).

Mr. M. Asaf Ali: Is it not a fact that on account of heavy work that Professors, Readers and Lecturers have to do in the University, they are not in a position to devote any time to other work?

Mr. G. S. Bajpai: I was not aware of that. I have been looking into the statement myself and I find that the normal periods devoted to tuition by Professors and Lecturers vary from 15 to 24 every week. That is not so much.

Mr. M. Asaf Ali: Not too much?

Mr. S. Satyamurti: 24 hours not too much!

Mr. M. Asaf Ali: Is the Honourable Member aware that in the English universities the Professors do not devote more than three to four periods a week?

Mr. G. S. Bajpai: My Honourable friend is referring to holders of university Chairs, but, so far as Lecturers are concerned, I can testify from personal experience of Oxford that my tutor used to do anything from seven to eight periods every day.

Mr. B. Das: Then did your tutor work from morning to night?

Mr. President (The Honourable Sir Abdur Rahim): We are not discussing English universities now.

Mr. S. Satyamurti: Is the Honourable Member aware that in the Madras University and the colleges affiliated to it, the maximum hours work for Tutors and Professors would be four a week?

Mr. G. S. Bajpai: That is quite possible, but I must ask my Honourable friend to be a little forbearing towards Delhi, because it has not the sources of the University of Madras.

	(i) Canada.	(ii) Australia.	(iii) South Africa.	(iv) New Zealand.	(v) Irish F. S.	(vi) Egypt.	(vii) India.
	Dollars.	Pounds.	Pounds.	Pounds.	Pounds.	Pounds E.	Rs.
(a) Expenditure on Defence, 1929—1934.	1929-30 61,074,800 1930-31 68,038,500 1931-32 65,589,000 1932-33 57,683,500 1933-34 59,326,000	12,320,000 11,714,690 10,563,500 10,040,900 11,226,300	2,026,900 1,792,900 1,630,300 1,640,300 1,705,100	2,110,900 1,953,800 1,799,600 1,795,500 1,861,800	1,486,000 1,323,000 1,400,000 1,324,000 1,538,000	2,268,800 2,303,800 2,104,900 2,101,200 2,119,400	55,10,00,000 54,30,00,000 51,76,00,000 46,74,00,000 44,42,47,000
(b) Total strength of Defence Forces --							
Army	{ Permanent active militia. 3,570 Non-Permanent active militia. 52,525	{ Permanent Forces. 1,540 Militia, etc. 33,026	{ Permanent Forces. 1,555 Cost garrison and active citizen forces. 8,362	{ Permanent Forces. 406 Territorial Forces. 7,903	{ Regular Forces. 5,854	{ Regular Forces. 12,318 Reserves. 2,08,724	{ Regular Forces. 37,186 Auxiliary and Territorial Forces. 39,165 Reserves. 1,217
Navy	{ Active . 885 Reserves . 1,139	{ 3,427	{ 204	{ 1,088	{ Nil.	{ 963	{ 37,186
Air Force	{ Permanent 692 Non-permanent 28	{ 908	{ Included with army	{ 58	{ 160	{ Under formation.	{ 2,647
(c) Expenditure on --							
(i) Education .	Not available.	Not available.	1928-29 8,600,309 1929-30 8,508,424 1930-31 8,459,608 1931-32 Not available.	3,886,358 4,038,222 4,095,323 3,409,877	4,523,000 4,526,543 4,646,946 4,503,791	163,273 148,716 132,917 120,097	27,07,32,253 27,42,82,018 28,31,61,446 27,17,43,971
	Not available.	Not available.	1932-33 Do. (A)	2,813,787 (B)	4,628,000 (C)	97,750 (C)	25,78,75,868 (D)

Public Health

(ii) Police	Not available.	Not available.	Not available.	Not available.	Not available.	Not avail- able.	Not avail- able.	1929-30. 10,97,33,476 1930-31. 11,82,33,850 1931-32. 11,02,18,422 1932-33. 10,97,50,066 1933-34. 9,71,84,101
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(iii) Adminis-
tration of
Justice.

	Not available.	Not available.	Not available.	Not avail- able.	Not avail- able.	Not avail- able.	(E) 1929-30 5,93,52,568 1930-31. 5,94,75,651 1931-32. 5,68,15,072 1932-33. 5,21,60,393 1933-34. 5,36,50,621
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NOTE.—The accuracy of the figures given is not guaranteed and in some cases it is uncertain whether they have been worked out on the same basis.

*A. Y. B.—Armaments, Year, Book of the League of Nations.

(A) Expenditure on State and State-aided education. (B) Expenditure from public funds. (C) Expenditure from Government funds. (D) These figures represent total expenditure. Figures for expenditure from Government funds are as follows :—

Rs.	
1928-29	13,18,10,145
1929-30	13,25,38,044
1930-31	13,60,97,116
1931-32	12,46,00,481
1932-33	11,35,50,258

(E) These figures do not include the cost of police in the administered areas under the Foreign and Political Department and the figures for 1933-34 do not include the figures for Burma which are not available.

CONSTRUCTION OF A ROAD TO CHITTAGONG AERODROME.

121. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state how much it has cost them up to date to maintain the aerodrome at Chittagong?

(b) How far is the aerodrome from the Chittagong General Post Office?

(c) Is there any motorable road up to the aerodrome? If not, are Government prepared to consider the desirability of making a motorable road by the Patenga beach, in conjunction with the Chittagong District Board in order to provide facility to all kinds of transport?

The Honourable Sir Frank Noyce: (a) Rs. 8,223.

(b) About nine miles.

(c) There is no motorable road at present. The proposal to construct a road is being held in abeyance pending the investigation of alternative sites for a more conveniently situated landing ground. This problem is receiving the active attention of Government.

INTRODUCTION OF REFORMS IN BENGAL.

122. ***Mr. S. Satyamurti** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government please state the approximate time by which the Reforms are likely to be introduced in Bengal?

(b) When do Government propose to have the elections for the formation of the Reformed Council and Assembly in that Province?

The Honourable Sir Nripendra Sircar: The Honourable Member will no doubt realise that it is not possible for the Government of India to give a definite reply to his question. I invite his attention, however, to the following passage in His Excellency's address to the Members of the Indian Legislature on the 29th August, 1934, which represents the position of Government in regard to this matter:

"When the new Constitution Bill is passed into law, you may rely on my efforts to ensure that no time will be lost in carrying into effect, as expeditiously as possible, the intentions of Parliament as expressed in the Act."

Mr. S. Satyamurti: With reference to clause (b) of this question, may I know how long Government propose to keep these Provincial Legislatures alive who have lived much beyond their normal term of three years?

The Honourable Sir Nripendra Sircar: As the question will not arise immediately, this matter has not been considered.

Mr. S. Satyamurti: May I know if the Government of India have considered the question, as an all-India question, of elections to the Provincial Legislatures, independent of the reforms, in view of the fact that they have long outlived their normal period of life?

The Honourable Sir Nripendra Sircar: I cannot answer the question more than this that whenever a question of prolonging the life of a Legislature arises, that matter is considered having regard to all the facts. Nothing further has been done since the last prolongation of some Legislatures.

Mr. S. Satyamurti: May I know what are the facts taken into consideration by Government in deciding to prolong the life of these Councils?

The Honourable Sir Nripendra Sircar: It is done by the Governor or the Governor General, as the case may be, having regard to the Legislature in question.

Mr. S. Satyamurti: May I know if Government have considered that they have deprived the electors

Mr. President (The Honourable Sir Abdur Rahim): The answer has been given that it is not done by Government, but by the Governor or the Governor General.

Mr. S. Satyamurti: May I know if the Government of India is not at all consulted in this matter and they give no advice to the Governor General?

The Honourable Sir Nripendra Sircar: That is a matter between the Governor General and his Council.

Mr. S. Satyamurti: It is also a matter on which I am entitled to have an answer, as to what the Governor General's Council did, and what their advice was.

The Honourable Sir Nripendra Sircar: The Council has no function in the matter, and I submit, the Honourable Member is not entitled to know what advice was given informally by any person.

Mr. S. Satyamurti: May I know if any formal advice was given?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that he is not in a position to give any information in regard to that matter, because it is one between the Councillors and the Governor General.

Mr. S. Satyamurti: Sir, I should like to have your ruling on this. As I read the Rules and Standing Orders, there is nothing in them to make sacrosanct in any sense the advice which the Governor General's Council gives to the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): It is a very important question that has been raised and the Chair will consider it, unless the Leader of the House is in a position to throw any light upon it.

The Honourable Sir Nripendra Sircar: No, Sir; I would rather have the business postponed for a few days.

Mr. S. Satyamurti: Thanks; I shall also look into the matter, in the meantime.

REPRESENTATIONS FROM THE BURMA LAUNCH OWNERS' ASSOCIATION
FOR BRINGING THEM UNDER THE OPERATION OF THE INLAND STEAM VES-
SELS (AMENDMENT) ACT, 1930.

123. *Mr. Muhammad Anwar-ul-Azim: Will Government please state whether they have received any representations from the Burma Launch Owners' Association, Rangoon, for bringing them under the operation of the Inland Steam Vessels (Amendment) Act XIII of 1930, which was passed by the Indian Legislature and which received the assent of the Governor General on the 24th March, 1930? If so, will Government please state when they propose to give the said Association the benefit of the said Law?

The Honourable Sir Joseph Bhore: No special representations have been made to Government, but as a result of a communication received in August, 1934, from a Member of the last Legislative Assembly, Government asked in September for further information from the Burma Launch Owners' Association to enable them to decide whether any action is called for. This information has not yet been supplied, but, it is understood that the matter is under discussion between the Burma Launch Owners' Association and the Local Government.

POSITION OF CHITTAGONG HILL TRACTS UNDER THE NEW REFORMS.

124. *Mr. Muhammad Anwar-ul-Azim: Will Government please state what the position of Chittagong Hill Tracts will be under the coming Reforms?

The Honourable Sir Nripendra Sircar: The Honourable Member is referred to the provisions of the Government of India Bill, a copy of which has already been supplied to him.

BENGALI MUSLIMS IN THE GOVERNMENT OF INDIA OFFICES.

125. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government please state the percentage in all grades of the Bengali Muhammadans in the Government of India offices?

(b) Will Government please inform this House what difference their present decisions will make in the said percentage?

(c) Will Bengal Mussalmans get their share according to their numerical strength in that Province?

The Honourable Sir Henry Craik: I would refer the Honourable Member to the replies which I gave on the 1st August, 1934, to starred question No. 291 asked by Haji Chaudhury Muhammad Ismail Khan and the supplementary questions connected therewith. As promised in reply to one of the supplementary questions, I have ascertained that the number of Bengali Muslims employed in the clerical staff of the Government of India Secretariat is seven which is 3.7 per cent. of the total number of Muslims so employed.

Dr. Ziauddin Ahmad: Sir, with your permission, I should like to ask question No. 126 standing in the name of Mr. Anwar-ul-Azim.

The Honourable Sir Joseph Bhore: Sir, may I ask for your ruling? As you are aware, the procedure in this House has been that when the Member in whose name a question stands is not present, the Chair has always required a written authorisation.

Mr. S. Satyamurti: The Standing Order is clear. If a Member is absent, any other Member can put the question and the Chair can direct an answer to be given.

Dr. Ziauddin Ahmad: Sir, this rule was made by your predecessor, Sir Shanmukham Chetty, but, in the time of Sir Ibrahim Rahimtoola, any person was authorised to put any question.

Mr. S. Satyamurti: Sir, may I read the Standing Order for your information? Paragraph 40 on page 16 says:

"If, on a question being called, it is not put, or the Member in whose name it stands is absent, the President, at the request of any Member, may direct that the answer to it be given."

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the practice has been at any rate latterly, to require written authorisation from the Member in whose name the question stands. As at present advised, the Chair is not prepared to alter that practice. The Chair will, however, consider the matter further and give its ruling. In the meantime, the Chair proposes to follow the practice that has been recently followed.

POSITION OF THE ASSAM-BENGAL RAILWAY WITH THE GOVERNMENT
OF INDIA IN CERTAIN RESPECTS AND RECRUITMENT OF THE BENGAL AND
ASSAM MUSLIMS ON THAT RAILWAY.

126. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government please state the position of the Assam-Bengal Railway with the Government of India on the following points:

(i) Supervision and control; and

(ii) appointments and dismissal of staff, both gazetted and ministerial?

(b) Are Government in a position to state the percentage of the Bengal and Assam Muslims in the services of that Company?

(c) Will the recent decisions of Government in the matter of recruitment in their services, govern the activities of the Assam-Bengal Railway?

(d) Are Government in a position to state how many Chittagong people are in the service of the Assam Bengal Railway?

Mr. P. R. Rau: (a) (i). I would refer the Honourable Member to clauses 70—73 of the contract at pages 32-33 of the printed volume of Assam Bengal Railway contracts, a copy of which is in the Library.

(ii) The Board of Directors of the railway company have full powers regarding the appointment and dismissal of staff subject to the provision contained in clause 22 of the agreement referred to above.

(b) The latest information available with Government on the subject of representation of communities will be found on pages 234-235 of Volume II of the Railway Board's report for 1933-34 on Indian Railways. Statistics are not prepared by provinces.

(c) The Agent, Assam Bengal Railway, has been requested to obtain the concurrence of his Board of Directors to the adoption of a similar policy on that railway. The Railway Board have not so far received any reply to this communication.

(d) Government have no information.

REPAIR OF THE ARRAKAN ROAD IN BENGAL.

127. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state what the share of Bengal has been for the last five years from their Road Development Fund, and how that has been spent?

(b) Will Government please state if the Arrakan Road in Bengal is one of the original projects which was accepted by the Central Road Committee for improvement?

(c) What is the present position of that road now?

(d) Will Government please state when that is likely to be taken up for metalling?

The Honourable Sir Frank Noyce: (a) Rs. 60.21 lakhs have been allotted to Bengal to end of September, 1933, as their share in the Road Account, and a further allotment of about Rs. 13 lakhs will be made shortly making a total of Rs. 73.21 lakhs upto end of September, 1934.

A statement showing the schemes which have been completed and on which expenditure is being incurred from the Road Account is laid on the table.

(b) to (d). A project for the development of the Chittagong-Arakan Road was among the schemes put forward by the Government of Bengal at the Road Conference in April, 1930, and approved with the advice of the Standing Committee for Roads. As far as the Government of India are aware, estimates for the work are now practically complete, but they have no information as to when the work will be actually put in hand.

Statement showing the progress of expenditure on the programme of road development works in Bengal financed from the local Government's share in the Road Account.

Name of work.	Amount of the Estimate.	Expenditure to end of September, 1934.	Remarks.
	Rs.	Rs.	
<i>Grand Trunk Road.</i>			
1. Improvements to miles 8-22 from Bally Khal Bridge to boundary of French Chandranagore.	5,29,692	4,99,983	Completed.
2. Widening the metalled width from mile post 138 to 149 to Barkar.	2,03,167	1,95,840	Completed.
3. Improving and widening the metalled surface from mile 120 to 124 at Asansol.	46,475	45,949	Completed.
4. Improving a portion south from the Southern approach of the Chandmari Bridge to Junction of Telkulghat Road, Howrah.	40,888	39,699	Completed.
5. Improving a portion south of Tramway Terminus to Shalimar Road Junction.	20,478	20,452	Completed.
6. Improving a portion of the Grand Trunk Road, north from the foot path of the North approach of Chandmari Bridge to Golabari Road Junction.	19,042	19,001	Completed.
7. Diverting between 56th mile 3rd quarter and 57th mile 3rd quarter near Memari Bazar.	71,771	63,316	In progress.
<i>Calcutta-Jessore Road.</i>			
8. Improvements to Calcutta-Baraset section.	5,00,581	4,95,254	In progress.
9. Replacing the surfacing of half the area of 8th mile by laying a 2" grout of bitumen.	9,900		
<i>Pabna-Ishurdi Road.</i>			
10. Reconstruction along new alignment	8,05,570	1,03,203	In progress.
<i>Diamond Harbour Road.</i>			
11. Improving miles 5 to 29½	6,70,000	6,58,359	In progress.

Name of work.	Amount of the Estimate.	Expenditure to end of September, 1934.	Remarks.
	Rs.	Rs.	
<i>Chittagong Trunk Road.</i>			
12. Widening and improving a portion from Comilla to Mainamati, in Tipperah District.	36,800	2,77,335	In progress.
13. Metalling and improving from Mainamati to Inspection Banglow at Barkanta.	2,40,600		
<i>Ghoshpara Road.</i>			
14. Improving miles 1 to 16 in the 24-Parganas.	4,63,503	3,60,770	In progress.
15. Reconstruction of the Barrackpore station Road.	8,004		
<i>Jhenidah-Magura Road.</i>			
16. Reconstruction	3,75,000	2,08,000	In progress.
<i>Dacca-Narayanganj Road.</i>			
17. Reconstruction of the District Board portion.	4,25,000	1,74,000	In progress.
18. Reconstructing Dacca Municipal portion and the suspension bridge of the Dacca-Narayanganj Road.	1,06,500	30,000	In progress.
19. Widening and painting over stone metalling the Shireore Road and a portion of the De Leslie Road (from the European club to Netalganj Bridge) at Narayanganj. (Narayanganj Municipal portion).	25,000	25,000	Completed.
<i>Mymensingh-Tangail Road.</i>			
20. Constructing bridges and culverts on the Mymensingh-Kalibati portion.	3,40,795	1,59,000	In progress.
<i>Barisal-Arambagh Road.</i>			
21. Improvement from the south bank of river Damodar to 10th mile post.	5,00,000	1,812	In progress.
Total		33,67,973.	

APPOINTMENT OF MR. DARLING ON SPECIAL DUTY.

128. *Dr. Ziauddin Ahmad: (a) Is it a fact that Mr. Darling, I.C.S., has been appointed on special duty?

(b) What is the nature of the enquiry in which he is now engaged?

(c) When is his report likely to be published?

The Honourable Sir James Grigg: (a) Yes.

(b) I would invite the attention of the Honourable Member to paragraph 7 of the Finance Department Resolution, dated the 5th of May, 1934, on the subject of the Provincial Economic Conference. Copies of the Resolution are available in the Library of the House.

(c) Mr. Darling's enquiry is not yet complete, and it is not possible, therefore, to make any statement with regard to the report.

INSTITUTION OF PROSECUTIONS UNDER THE CANTONMENTS ACT BY EXECUTIVE OFFICERS.

129. *Mr. Ahmed Ebrahim Haroon Jaffer: (a) Are Government aware that in certain Cantonments, the Executive Officer sanctions prosecutions for offences committed under the Cantonments Act and then launches them under the powers delegated to him by the Cantonment Authority under section 264 of the Cantonments Act?

(b) Is it a fact that under the Cantonments Act, it is the Cantonment Authority that can sanction a prosecution and that under the Government of India Circular No. 1165-A. D. 4, dated the 1st April, 1930, Executive Officers have been strictly prohibited not to use section 25 for the institution of prosecutions in any circumstances?

(c) Are Government aware that in Meerut Cantonment the Executive Officer recently prosecuted on his own authority, certain ghee sellers for adulteration in ghee and then compounded their offences under section 267?

(d) Do Government propose to take steps definitely to prohibit Executive Officers from instituting prosecutions under the Cantonments Act or under any other law, on their own authority and without the previous sanction of the Cantonment Authority?

Mr. G. R. F. Tottenham: (a) When the Executive Officer has been authorised to file complaints, by general order, under section 266 which, I presume, is the section to which the Honourable Member intends to refer, he launches prosecutions under the authority derived from that general order and no separate process of sanctioning the prosecution is involved.

(b) The reply to the first part is in the negative. The reply to the second part is in the affirmative.

(c) Government have no information, but the Executive Officer was perfectly in order if the Cantonment Authority had granted him a standing authorisation under section 266.

(d) No.

Mr. Ahmed Ebrahim Haroon Jaffer: Was the Executive Officer granted any authority to decide?

Mr. G. R. F. Tottenham: I have no information on that point.

CONSTITUTION OF ELECTED BOARDS IN CANTONMENTS.

130. ***Mr. Ahmed Ebrahim Haroon Jaffer:** (a) Are Government aware that the spirit of section 14 of the Cantonments Act of 1924 is understood to be that an elected board be constituted in every Cantonment not situated in the North-West Frontier Province, and having a civil population of 2,500 or over?

(b) In how many Cantonments of India, having a civil population of 2,500 or over, elected boards have not been constituted?

(c) Will Government please state their reasons in each case as to why those Cantonments have been deprived of this right?

(d) What are the considerations that weigh with Government in their exercising the power of constituting elected boards under section 11 of the Cantonments Act of 1924?

(e) Do Government propose to liberalise their policy in this matter and to constitute an elected board in every Cantonment, fulfilling the population condition as stated above?

Mr. G. R. F. Tottenham: (a) No. Under section 11 of the Cantonments Act, the question whether there should be a Board in any cantonment is left to the discretion of Government. All that section 14 says is that, if there is a Board and if the civil population exceeds 2,500 (except in the North-West Frontier Province or in British Baluchistan), the Board should be an elected Board.

(b) 20.

(c) Of the 20 cantonments, nine have nominated boards, of which five are situated on the Frontier. In most of the remainder, the civil population consists mainly of followers, domestic servants and petty shopkeepers and, if elected Boards were constituted, it would be a matter of considerable difficulty to find the required number of suitable members.

(d) Government are generally prepared to agree to the constitution of an elected Board in any Cantonment in which there is a reasonable prospect of constituting a Board which will work successfully.

(e) The question of revising the present provisions of the Act on this subject is under consideration.

Mr. Ahmed Ebrahim Haroon Jaffer: With regard to the answer given, may I know on what grounds the decision of the Government in appointing elected members is arrived at and why they say they cannot find suitable members to form such boards?

Mr. G. R. F. Tottenham: If the Honourable Member had listened to my reply to part (c), he would have heard that I said "in most of the remainder the civil population consists mainly of followers, domestic servants and petty shopkeepers", who are not of the class to produce members of the type required.

Mr. Ahmed Ebrahim Haroon Jaffer: How do Government come to that conclusion?

Mr. G. R. F. Tottenham: I think that is more or less self-evident.

DEMOLITION OF AN ALLEGED UNAUTHORISED BUILDING BY A CANTONMENT AUTHORITY BEFORE THE EXPIRY OF THE TIME OF APPEAL.

131. ***Mr. Ahmed Ebrahim Haroon Jaffer:** (a) Are Government aware that according to Schedule V of the Cantonments Act of 1924, a person desiring to appeal against a Cantonment Authority's order to demolish an alleged unauthorised building under section 185 of the Cantonments Act, is allowed one month's time for the submission of an appeal?

(b) Is it a fact that in many cases the Cantonment Authority demolishes the building by taking action under section 256 of the Cantonments Act before the expiry of the time of appeal?

(c) Are Government aware that a Cantonment Authority can take action to demolish a building under section 256 of the Cantonments Act only after the time allowed for appeal against the order of demolition has expired?

(d) Do Government propose to issue instructions to stop the practice referred to in part (c) above, which frustrates the very object of the appeal?

Mr. G. R. F. Tottenham: (a) Yes, Sir.

(b) Government are not aware of the number of cases in which this procedure has been adopted.

(c) No, Sir.

(d) Does not arise.

RECOMMENDATIONS OF THE COMMITTEE APPOINTED TO OVERHAUL THE CANTONMENTS ACT.

132. ***Mr. Ahmed Ebrahim Haroon Jaffer:** (a) Is it a fact that the Committee appointed by Government to overhaul the Cantonments Act concluded its labours in the beginning of 1933?

(b) Is it a fact that all its recommendations are unanimous?

(c) What action have Government taken to carry out those recommendations? If no action has been taken so far, when do Government propose to take such action and in what form?

Mr. G. R. F. Tottenham: (a) and (b) An informal Conference, with representatives of the All-India Cantonments' Association, was held in 1933 and resulted in certain unanimous recommendations for the amendment of the Cantonments Act.

(c) The question of giving effect to these recommendations of amending the Act for certain other purposes as well is still under consideration; but I hope that a decision will be reached very shortly.

Mr. Ahmed Ebrahim Haroon Jaffer: In how many months?

Mr. G. R. F. Tottenham: I hope, within the next month.

Mr. Mohan Lal Saksena: With your permission, Sir, I would like to put question No. 133.

Mr. President (The Honourable Sir Abdur Rahim): Does the Chair understand that the Honourable Member has written authority to put the question?

Mr. Ram Narayan Singh: I have got written authority to put the question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ram Narayan Singh.

RECRUITMENT OF DEPRESSED CLASSES IN THE ARMY.

133. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state whether in actual practice the members of the depressed classes are not being generally recruited to various ranks of the defence force of their own country, even though their claims to All-India services have been recognised?

(b) If so, do Government propose to remove this distinction in the matter of recruitment?

Mr. G. R. F. Tottenham: (a) The Army authorities do not themselves recognise the existence of any depressed classes in India. Members of what are commonly known as the depressed classes are not excluded from the defence forces as such. In fact a number of them are enlisted and are serving in the Army.

(b) Does not arise.

Mr. Ahmed Ebrahim Haroon Jaffer: May I know if Government have decided not to recruit any members of the depressed classes in the Indian Army?

Mr. G. R. F. Tottenham: No, Sir: if the Honourable Member had listened to my answer, he would not have come to that conclusion.

Mr. Ram Narayan Singh: Is it not a fact that Government recruit only from the so-called martial races?

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up?

Mr. Ram Narayan Singh: I ask, whether Government do or do not recognise certain classes of people as martial races?

Mr. G. R. F. Tottenham: I do not think that question arises out of this one.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether or not it is a fact that depressed classes are enlisted only in the Indian Territorial Forces *vis-a-vis* the regular Army?

Mr. G. R. F. Tottenham: I do not know what the Honourable Member means by that question.

Lieut.-Colonel Sir Henry Gidney: I will try and explain to the Honourable Member what I mean. The Honourable Member must surely be aware of the fact that the Indian Territorial Force is a second line of defence to the Indian Army.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member ought to put it in the form of a question.

Lieut.-Colonel Sir Henry Gidney: I will, Sir, but it apparently needs some preliminary explanation. Will the Honourable Member state whether the depressed classes are recruited in the Indian Territorial Force and not in the real regular Indian Army?

Mr. G. R. F. Tottenham: No: members of the depressed classes are recruited in the regular Army. There may be also depressed classes in the territorial forces as well.

Lieut.-Colonel Sir Henry Gidney: Thank you. I only sought information.

GRANT OF CERTAIN CONCESSIONS TO THE DEPRESSED CLASSES IN THE INDIAN UNIVERSITIES.

134. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state if it is a fact that the Nagpur University permits candidates of census-recognised depressed classes to appear at its different examinations without charging any admission fee?

(b) Will Government please state whether the University of Delhi proposes to give similar concession to the members of the depressed classes?

(c) Are Government prepared to issue directions to other Universities in India to grant similar concessions to the members of the depressed classes?

Mr. G. S. Bajpai: (a) and (b). Yes.

(c) The Government of India do not possess authority to issue such instructions to Universities, but will bring the suggestion of the Honourable Member to the notice of all Local Governments.

Dr. F. X. DeSouza: Are the concessions given to the depressed classes in the various educational institutions also available to depressed classes who have been converted to Christianity?

Mr. G. S. Bajpai: I do not subscribe to my Honourable friend's view—unnecessarily depressing; if I may say so,—of the status of the Christian community.

Dr. F. X. DeSouza: The Honourable Member is perfectly aware that a large number.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member put it in the form of a question?

Dr. F. X. DeSouza: Is not the Honourable Member aware that in Universities and educational institutions, depressed classes belonging to the Christian community are not treated as depressed classes?

Mr. G. S. Bajpai: Naturally, Sir: if they are Christians, they cannot be treated as members of the depressed classes.

Dr. F. X. DeSouza: If, as the Honourable Member seems to imply, Hinduism depresses and Christianity elevates, what, in the opinion of the Honourable Member, will the Hindu Mahasabha have to say in the matter?

Mr. G. S. Bajpai: I am not here to answer any question on behalf of the Hindu Mahasabha: I hope the Honourable Member himself will find an answer to the question he has put.

Dr. F. X. DeSouza: I do not find any answer. Is not the Honourable Member aware that the question of depressed classes is purely an economic and not a religious question, and, therefore, a member of the depressed classes who embraces Christianity still continues in his economic status as before?

Mr. President (The Honourable Sir Abdur Rahim): That is entering upon an argument.

POSTS GIVEN TO MEMBERS OF THE DEPRESSED CLASSES IN THE POSTS AND TELEGRAPHS AND THE RAILWAY DEPARTMENTS.

135. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): Will Government be pleased to state the number of posts (excluding posts as sweepers or menial servants) given to members of depressed classes all over India during the last six months, in the Posts and Telegraphs and the Railway Departments?

The Honourable Sir Frank Noyce: Government regret that the information is not available and cannot be collected without undue labour. I may add, however, for the Honourable Member's information that particulars of the recruitment of members of the depressed classes will in future be collected annually by Government, beginning with the year 1934, and the annual statements will be placed in the Library of the House.

PERMANENT SETTLEMENT OF BAGRI LOHARS, A-WANDERING TRIBE.

136. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Are Government aware that the members of the wandering tribe, called *Bagri Lohars* are found roaming in upper India from province to province with their bullock-carts, manufacturing and selling iron articles?

(b) If so, what steps are taken to wean them from their nomadic habits and settle them into suitable industrial colonies at places where suitable marketing facilities are available?

The Honourable Sir Frank Noyce: (a) Government are aware that wandering blacksmiths are found in parts of the United Provinces and the Punjab. I doubt whether the epithet "*Bagri*" can properly be applied to all of them.

(b) None.

CONTRACT OF BOOK-STALLS AT RAILWAY STATIONS.

137. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state the percentage of Railway Book-stalls conducted for the last five years by Messrs. Wheeler and Co., at different Railway Stations of different Railway lines?

(b) What was the number of other competitors for this contract when it was given or renewed to Messrs. Wheeler and Company last time?

(c) What was the main reason for not giving this contract to other competitors?

Mr. P. R. Rau: (a) The number of stations at which Messrs. Wheeler and Company have the book-stall contract on State-managed Railways is as follows:

Eastern Bengal	...	...	...	...	9
East Indian	...	...	...	...	31
Great Indian Peninsula	...	...	...	...	25
North Western	...	...	...	...	38

(b) Eastern Bengal and Great Indian Peninsula Railways. None

East Indian Railway	...	...	...	...	1
North Western Railway	...	...	...	...	7

(c) The two Administrations concerned carefully examined the tenders they had received, and in view of the fact that Messrs. Wheeler and Company had already given good service and had considerable experience of the business, they considered it desirable in the public interest that the contract should be given to this firm.

Lieut.-Colonel Sir Henry Gidney: Is it the intention of Government to continue this principle of giving the monopoly of the book-stalls to Messrs. Wheeler and Co.?

Mr. P. R. Rau: No, Sir; no monopoly has been given. So far as I can see, tenders were called for and the contract was given after consideration of all these tenders.

INTOXICANTS CONSUMED IN RAILWAY REFRESHMENT ROOMS.

138. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state whether the amount of consumption of intoxicants at any Railway Refreshment Room of any Railway is available, year by year, for the last five years, respectively, in Rupees, Annas and Pies?

(b) If no such information is forthcoming, do Government propose to collect annually the above mentioned statistics in future from each Railway Refreshment Room for the guidance of the temperance reformers?

(c) Are Government prepared to enhance the price of these intoxicants to discourage consumption?

Mr. P. R. Rau: (a) and (b). The information required is not in the possession of Government; and they do not propose to collect it, as the labour and expense involved is not, in their opinion, likely to be justified by results.

(c) My Honourable friend is perhaps not aware that railway refreshment rooms are ordinarily run by contractors and the price of the articles they sell is primarily their concern, subject to any conditions that may be contained in the license which they are required to obtain from the excise authorities of the Local Government concerned.

SHORT NOTICE QUESTION AND ANSWER.

WITHDRAWAL OF FIVE PER CENT. CUT IN THE SALARIES OF GOVERNMENT SERVANTS.

Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state: ...

- (a) the reasons why the Government of India have decided not to re-impose the five per cent. cut in the salaries of Government servants from the 1st April next;
- (b) whether the budgetary position has so far improved as to justify this decision; and
- (c) the reasons why the decision was announced in anticipation of the budget and without waiting to know the opinion of this House in the matter?

The Honourable Sir James Grigg: (a) The repeated pledges given by my predecessor that the pay cut should be the first of the emergency measures of 1931 to be abandoned.

(b) The Government of India fully intend to present a balanced budget for the coming year.

(c) In order to enable the Railway Budget to be presented on a correct basis and in order that Provincial Governments should have notice of our intentions before presenting their own Budgets.

I may say that the Assembly will have full opportunity of criticising the decision in due course, for Demands for Grants will be based on the full rates of pay and these will be presented, in connection with the Budget, in the usual way.

Mr. S. Satyamurti: Did Government consider the other pledges which the Honourable the Finance Member had already given with regard to the tax-payers of this country who had also equally good claims for relief, in case the budgetary position improved?

The Honourable Sir James Grigg: I have examined the pledges to which my Honourable friend is referring, but I distinctly got the impression on reading them that the pay cut had a first claim and the taxpayers, to whom he refers, second claim.

Mr. S. Satyamurti: May I know if Government considered the question of removing the cut only in the case of lower paid servants, that is, those who get Rs. 200 and less per mensem and continuing the cut on those who get more than Rs. 200 a month?

The Honourable Sir James Grigg: No, Sir, they did not consider that, because the pledge was categorical.

Mr. S. Satyamurti: May I know if Government considered the desirability and necessity of reducing the railway or postal rates or the excise duty on salt, when they found the budgetary position was improving?

The Honourable Sir James Grigg: Not in priority to the pay cut.

Mr. S. Satyamurti: May I know if Government took any legal opinion on the question as to whether they were right in anticipating the verdict of the House in respect of the Budget in this matter?

The Honourable Sir James Grigg: No, Sir, the constitutional position seems to me to be quite clear.

Mr. S. Satyamurti: May I know if Government are advised that they can decide not to re-impose the cut in spite of the verdict of the House?

The Honourable Sir James Grigg: That is not the question which has been asked, but I hope I have made it quite clear, in answer to the last part of the question, that the House will have its opportunity of expressing its opinion on the restoration of cuts in connection with the Demands for Grants when they are presented in the usual way and at the usual time. After the House has expressed its opinion, the Government will then decide what to do in the matter.

Mr. S. Satyamurti: May I know if Government have, therefore, made these proposals only tentatively and will accept the verdict of the House on this matter?

The Honourable Sir James Grigg: I think it is a hypothetical question.

Mr. S. Satyamurti: What was the practical difficulty in the way of Government waiting for the verdict of the House and not anticipating their decision and announcing it?

The Honourable Sir James Grigg: I have already answered that.

Sir Muhammad Yakub: May I know if Government will restore the cuts on educational institutions which are as important as the salaries of Government servants?

The Honourable Sir James Grigg: They may be quite important, but the pledge to which I have referred relating to salaries of Government servants is quite categorical.

Sir Muhammad Yakub: Are Government aware that the provinces have also imposed cuts on their grants to educational institutions, and it would be very desirable for the provinces to know whether the Government of India propose to restore the cuts on educational institutions or not, and, in view of the recent announcement of His Excellency the Viceroy that the educational policy of the Government of India will soon be revised, does not the Honourable Member consider that it is as solemn a pledge on the part of Government to restore grants on educational institutions as it is to remove cuts on salaries of Government servants?

The Honourable Sir James Grigg: Education generally is a provincial subject, but I suspect that my Honourable friend is referring to a certain educational institution in which he is particularly interested.

Pandit Govind Ballabh Pant: Will the Honourable the Finance Member be pleased to state what would be the additional expenditure as a result of the withdrawal of this cut?

The Honourable Sir James Grigg: I can give the figures approximately. Taking the civil and defence budgets as a whole—92 lakhs net, after allowing for extra recoveries from income-tax. For the Railway Budget, I think the figures are about the same, but on that my Honourable friend, the Commerce Member, knows better than I do.

Pandit Govind Ballabh Pant: Is it a fact that certain cuts in grants to various educational institutions were made on account of financial stringency?

The Honourable Sir James Grigg: I am afraid, Sir, that is so.

Pandit Govind Ballabh Pant: Can we reasonably infer from this attitude of the Government that those grants are going to be restored?

The Honourable Sir James Grigg: I am afraid the Honourable Member must not infer anything more than what I have said.

Pandit Govind Ballabh Pant: Is it a fact that the taxable minimum for income-tax purposes was lowered on account of financial stringency?

The Honourable Sir James Grigg: That is so.

Pandit Govind Ballabh Pant: Do Government contemplate to raise it now?

The Honourable Sir James Grigg: I would ask the Honourable Member to wait till the 28th February for an answer to that.

MOTIONS FOR ADJOURNMENT.

CONDUCT OF THE HONOURABLE THE PRESIDENT IN CONDUCTING THE DEBATE DURING THE DISCUSSIONS OF THE JOINT PARLIAMENTARY COMMITTEE REPORT.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice of motion for adjournment from Sir Muhammad Yakub for the purpose of discussing a definite matter of urgent public importance as follows:

"The conduct of the Honourable the President of the Legislative Assembly in conducting the debate during the discussion of the Joint Parliamentary Committee Report."

The Chair would like the Honourable Member, first of all, to satisfy it whether the conduct of the President of the Legislative Assembly can be called into question by this procedure (Hear, hear from the Congress Party Benches), that is, by the procedure of a motion for adjournment of the House or whether there is any other procedure open to the House to achieve that purpose.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I assure you that it is extremely painful to me to table a motion of this nature. As regards the validity of my motion, I would respectfully submit that it has been pointed out more than once that this House is governed by a particular set of rules and regulations which are laid down for its guidance. It is true that as regards certain questions on which our rules and regulations are silent, we are guided by the practice which prevails in the British Parliament. But so long as there is a provision made in our Rules and Standing Orders, this House is bound by that provision and not by parliamentary practice or procedure. Paragraph 43 of the Manual of Business and Procedure, at page 16, says:

"A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President."

Two or three conditions are laid down in this paragraph for moving an adjournment of the House. The first condition is that the matter to be discussed must be a definite matter. There can be no doubt that the matter which I have raised in my motion is a definite matter.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): On a point of order, Sir. . . .

Mr. President (The Honourable Sir Abdur Rahim): There can be no point of order while the Honourable Member is speaking on a point of order.

Sir Muhammad Yakub: The next condition is that the matter must be a matter of urgent public importance. It is evident that the conduct of the President in conducting the proceedings of this House is an urgent matter and a matter of public importance. There is nothing in this section which excludes the conduct of the Honourable the President from.

[Sir Muhammad Yakub.]

the category of definite or urgent public matter. There is no other provision in this Manual to guide in what manner Honourable Members could lodge their protest against the conduct of the President. Of course, I know that under the parliamentary procedure a vote of no-confidence or a vote of censure on the Chair can be moved, but resort to that procedure can only be had if we have no provision directly in our own Constitution. As I have said, paragraph 43 of the Manual is so wide that it can cover all public matters which are of importance and of an urgent nature. It may be said that motions for adjournment convey a censure on the Government and that Government are not responsible for the conduct of the Honourable the President of this House. But I would submit that the notion that a motion for adjournment of the House is a vote of censure is not correct in this country. If a motion for adjournment really meant a censure, as it means in the House of Commons, then the Government of India ought to have been obliged to resign as soon as the vote was passed. But it is not so. We have an irremovable Government, and, therefore, a motion for adjournment is not a censure on the conduct of the Government. In this House a motion for adjournment is simply a means of lodging the protest of the House, it simply provides an opportunity to Honourable Members of this House to discuss public matters of urgency, as regards which Resolutions would not do owing to the procedure of the ballot being followed. I would, therefore, submit that we should not follow the procedure of Parliament in this matter, and that my motion comes within the purview of paragraph 43 of the Manual and I should be permitted to move it.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants to be clear about the Honourable Member's position. Does the Honourable Member contend that the parliamentary procedure should not be followed, that is to say, that a motion for adjournment is a proper method for rectifying anything that has been done or for censuring the President of the Assembly? Is the adjournment motion the proper remedy, or is there not another remedy, such as is provided under the parliamentary procedure, of tabling a motion of no-confidence?

Sir Muhammad Yakub: Yes, there is another remedy, that is, tabling a motion for censure, as is provided for by the parliamentary practice. But, I submit most respectfully that that is an extreme step, resort to which should not be had on an occasion which does not require such an extreme step to be taken. I do not consider it necessary, and I would not be justified, in taking the extreme step against the conduct of the President at the first instance (Ironical Laughter from Opposition Benches), but if and when an opportunity occurs, then, I think, the Honourable Members of this House will not be found wanting in courage to resort to the extreme measure provided by the parliamentary practice. But, as I submitted, this is one way, and it comes under the provisions of paragraph 43 of the Manual, and I, therefore, claim that my motion is in order.

Dr. F. X. DeSouza (Nominated Non-Official): I would suggest that you must first put the question whether the Honourable Member has twenty-five Members to support him.

Mr. President (The Honourable Sir Abdur Rahim): That does not arise now.

Sir Muhammad Yakub: The Honourable Member must know the procedure of the House.

Mr. Ram Narayan Singh: May I know, Sir, whether you can decide allegations against yourself? (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members can certainly decide allegations against the Chair.

On this particular matter, so far as I am personally concerned, I should have liked that the motion should be moved, but the point whether this motion for adjournment is a proper procedure for considering the conduct of the President is one of considerable importance, and any ruling that I might give on this occasion may form a precedent for future use. The Chair, therefore, has to consider whether the motion for adjournment is in order having regard to the subject-matter of that motion. It may be suggested that the Rules and Standing Orders which govern the procedure of this House are self-contained and exhaustive. . . .

Sir Muhammad Yakub: No, I have never suggested that.

Mr. President (The Honourable Sir Abdur Rahim): . . . and that, so far as this matter goes, we ought to take our guidance from those Rules and Standing Orders. But it is a well-known fact that this Assembly often has to have recourse to parliamentary practice in order to ascertain what is the proper procedure to be followed in any particular case on which the Rules and Standing Orders are silent. As the Chair read rule 11 and rule 12 of the Indian Legislative Rules, they do not lay down anything which shows that a matter of this sort may be brought up before the House by means of an adjournment motion. Rules 11 and 12, for instance, are practically copied from the Standing Order of the House of Commons, and yet it has been ruled that, in order to enable the House of Commons to consider the conduct of the Speaker, it is necessary that a substantive motion must be brought to which an amendment can be moved or on which a distinct vote can be obtained. The Chair will refer to May's Parliamentary Practice, page 249, where it is laid down:

"Matters arising out of the debates of the same session, or the terms of a bill before the House of Lords, matters of privilege or order, or matters debatable only upon a substantive motion, cannot be submitted to the house under this standing order, and as on other motions for the adjournment of the House matters involving legislation cannot be discussed."

Then, on page 271, this is what is laid down:

"Certain matters cannot be debated, save upon a substantive motion which can be dealt with by amendment or by the distinct vote of the House. Among these may be mentioned the conduct of the sovereign, the heir to the throne, the Viceroy and Governor General of India, the Lord-Lieutenant of Ireland, the Governors General of the Dominions, the Lord Chancellor, the Speaker, the Chairman of Ways and Means, members of either House of Parliament and Judges of the Superior Courts of the United Kingdom, including persons holding the position of a Judge, such as a Judge in a Court of Bankruptcy and of a County Court. These matters cannot, therefore, be questioned by way of amendment, or upon a motion for adjournment under Standing Order No. 10. For the same reason, no charge of a personal character can be raised, save upon a direct and substantive motion to that effect."

[Mr. President.]

Here, for instance, if the conduct of the Viceroy and Governor General was sought to be questioned it is clear that this could not be done by an adjournment motion, though no such matter is mentioned in Rule 12, and Rule 11 is couched in absolutely general terms. Similarly, if a question is raised about the conduct of a Judge of a High Court—though the Chair is not prepared at present to give any ruling on that point—it appears to the Chair that the parliamentary practice, as enunciated in the passage the Chair has cited, would be also applicable to a case like that. The reasons why the conduct of the President of the House who occupies a position similar to that of the Speaker of the House of Commons cannot be called in question by means of a motion for adjournment of the business of the House are obvious, and the Chair need not dwell upon them. Therefore, the Chair holds, following the parliamentary practice of the House of Commons, that this motion is not in order.

At the same time, the Honourable Member who wishes the House to consider the conduct of the President has a remedy open to him, that is, to move a motion of no-confidence. The Chair understands that the position the Honourable Member takes up is that a motion for adjournment need not necessarily be a vote of censure upon anybody, but, as the House is aware, these motions for adjournment generally do imply a vote of censure upon the Governor General in Council, though the Chair is not prepared to say that that is necessarily and in all cases the significance of such a motion. But, anyway, there can be no doubt that if the conduct of the Chair is to be debated in this House with reference to any proceedings, then, in that case, the only proper way of doing it is by means of a substantive motion to which, for instance, an amendment can be moved and on which a distinct vote can be taken. As regards a motion for adjournment, no amendment can be moved, and the Chair, therefore, holds that if the Honourable Member wishes to ask the House to pass a vote of censure on the President because of the way he conducted the proceedings relating to the Joint Parliamentary Committee Report or if the Honourable Member wants the House to consider, without implying any censure on the occupant of the Chair, whether the procedure followed by the Chair and the way it conducted the proceedings in that matter was according to the Rules and Standing Orders or was in any way irregular, then the Chair thinks that this can be done either by a motion of no-confidence or some other appropriate procedure, but not as the Chair has already said, by a motion for adjournment of the business of the House. (Applause.)

DECISION OF THE GOVERNMENT OF INDIA TO DISREGARD THE VERDICT OF THE ASSEMBLY ON THE INDO-BRITISH TRADE AGREEMENT.

Mr. President (The Honourable Sir Abdur Rahim): There is another motion for adjournment of which notice has been given by Mr. Gauba that he intends to ask for leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance as follows:

"The decision of the Government of India to disregard the verdict of the Assembly on the Indo-British Trade Pact."

The Honourable Sir Nripendra Sircar (Leader of the House): I desire to raise a point of order.....

Some Honourable Members: The motion has not been moved.

Mr. K. L. Gauba (East Central Punjab: Muhammadan): Sir, I beg leave to move the motion which you have just read out.....

An Honourable Member: No, no, it will be moved at four—not just now.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I understand that the Honourable the Leader of the House wishes to make a point of order.

The Honourable Sir Nripendra Sircar (Leader of the House): Yes, Sir. We take objection under rule 12 of the Legislative Assembly Rules, which, Sir, you will find at page 85.

An Honourable Member: We cannot hear you.

The Honourable Sir Nripendra Sircar: If the motion is debated, as it should be, with reference to its wording on the particular issue of Government having disregarded the vote of the Assembly on the Trade Agreement, then the merits of the Agreement cannot be left out of the discussion, because the conduct of the Government will be an issue, and Government will have to justify their conduct with reference to the Trade Agreement, that is to say, the merits of the Trade Agreement are inevitably concerned in this discussion. I would draw your particular attention to one sub-paragraph of rule 12:

"(iii) the motion must not revive discussion on a matter which has been discussed in the same Session;"

The motion, therefore, I submit to you, Sir, is barred on the ground of rule 12 (iii) of the Legislative Rules.

The other argument which I advance is this. The discussion must be confined to the action of the Governor General in Council in not having obeyed the decision of this House. Constitutionally, as the position now is, the executive is irresponsible to the Legislature and is not bound constitutionally to carry out any Resolutions passed in this House, just as, under the present Constitution, the Opposition has not and cannot have responsibility in the matter of administration. It is not permissible, Sir, to move an adjournment motion on a general constitutional position, because such a matter is not a definite matter of urgent public importance, being a general issue, and what has existed for fourteen years is not urgent. Moreover, it is not a specific matter of recent occurrence—a matter which has been before the public ever since the Act of 1919 came into operation. Briefly, therefore, to summarise, whatever line the opener may take, Government must be permitted to defend its line of conduct. Government cannot defend its line of conduct without reference to the merits of the Trade Agreement. Therefore, it is inevitable that the Trade Agreement should be the main subject of the discussion, and the last thing to which I draw your attention is from a passage which you were pleased to read today—not that on page 271 which deals with the Governor General, but from a passage on page 249:

"Matters arising out of the debates of the same Session, or the terms of a Bill before the House of Lords, matters of privilege or order, or matters debatable only upon a substantive motion cannot be submitted to the House under this Standing Order."

[Sir Nripendra Sircar.]

I rely, Sir, on the first six or seven words of that passage. If it were not so, an adjournment can be repeated without limit.

Mr. President (The Honourable Sir Abdur Rahim): That is, "matters arising out of the debates of the same Session"?

The Honourable Sir Nripendra Sircar: Yes, Sir. That is all I have got to say.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I submit that the motion is in order. The first objection of the Honourable the Leader of the House is that the motion is barred by rule 12 (iii). That rule 12 (iii) simply says that a matter must not revive discussion on a matter which has been discussed in the same Session. My submission to you is that the object of the Honourable the Mover of the adjournment motion today is not to discuss the terms or the desirability or otherwise of the Indo-British Trade Pact, but merely the action of the Government of India, in not accepting the verdict of the House. I presume, Sir, that, apart from the terms of the Agreement, it is possible for the Government to either accept or reject this verdict of the House, on its own merits. They must have considered the matter, and they must have some reasons. What the motion seeks to raise, Mr. President, is the action of the Governor General in Council, and we want an opportunity, Sir, for this House to express its opinion as to whether the Government were well-advised or ill-advised in ignoring the verdict of the House. The second objection of the Honourable the Leader of the House is that, constituted as we are, it is not possible for this House to compel them to accept this verdict, and, therefore, their conduct cannot be debated upon. On that matter, I invite your attention, Sir, to rule 12 (v), that is to say:

"(v) the motion must not deal with a matter on which a Resolution could not be moved."

That is a prohibition, Sir. You know all Resolutions are only recommendations to the Governor General in Council; no Resolution is binding upon them; they are all recommendations. Similarly, I submit that the limitation urged on the ground that the Government is irresponsible, and, therefore, cannot accept this verdict holds no water, because what this motion seeks to raise is that the Government had the option either to accept or to reject the verdict of the House; if they chose to reject it, and we want to censure the Government for their rejecting it. If, as a matter of fact, Mr. President, a motion of this House is binding on the Government, then no question at all can arise as to whether the Government were right or were wrong. It is because the Government are irresponsible that we are here to censure them, whenever we have good cause for doing so, on the ground that they are not accepting the verdict of the House. The third point was that this was not a specific matter of recent occurrence, and, therefore, could not be raised in the form of this motion. I submit that the matter is specific, that the matter is recent, and that the matter is urgent. This House gave its verdict only the other day. After that verdict was given, the Government of India did not come before this House, but the Secretary of State told the House of Commons that the Government of India had made up their

minds not to accept the verdict of the House, and, therefore, the Pact stands. Therefore, this motion rests on the vote of the House and its rejection by the Government of India. I submit, Sir, none of the three grounds urged by the Honourable the Leader of the House is sound, and that the motion merely wants to discuss the action of the Government of India in ignoring the verdict of the House,—on the ground that all Resolutions are recommendations, and this motion can be moved, putting it positively, on all matters on which Resolutions can be moved, and that it covers a matter of specific, recent occurrence; therefore, this motion is in order.

The Honourable Sir Henry Craik (Home Member): May I point out, Sir, that if the contentions of my Honourable friend opposite are accepted, the process of moving such motions for adjournment would be interminable. The House, first of all, passes a Resolution instructing or desiring the Government to take a certain action. The Government do not take the action, and, therefore, a motion for adjournment censuring the Government for not taking that action is moved. Government still refuse to take such action. Can a Member again move a motion for adjournment in respect of the Government's not taking such action? Supposing a Member is allowed to move a third motion, and then the Government still refuse to take such action, can a fourth motion for adjournment still be moved? Sir, if this motion is accepted, I submit that the process could go on interminably and could be repeated every day in the Session.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member, Mr. Gauba, wish to say anything on the point of order raised?

Mr. K. L. Gauba Mr. President, my Honourable friend, Mr. Satyamurti, has explained the question very clearly and lucidly before the House. As regards the point that the Honourable the Leader of the House has brought forward that we should, by this motion, again be considering the Indo-British Trade Agreement, I have to say that, we have considered it, we have arrived at a decision and the Government of India have over-ridden that decision. It is, therefore, certainly open to us now to approve of their conduct or disapprove of it in over-riding our decision. My motion does not intend to go over the arguments in favour of or against the Indo-British Trade Pact at all. The motion is merely and definitely to censure the Government of India for their conduct in disregarding the clear and definite opinion of this House.

Mr. President (The Honourable Sir Abdur Rahim): The question raised is whether this motion for adjournment is in order. It has been argued that it is not in order on more than one ground, namely, that it is not a specific matter, that it does not relate to a recent occurrence, and raises a matter of general constitutional position, and that the motion, if accepted, would revive discussion on a matter which has been already discussed in this Session. The Chair has no doubt whatever that, as the constitutional position is, a motion for adjournment brought under the circumstances in which the present motion has been brought is not in

[Mr. President.]

order. The House has already had the opportunity of discussing the question of this Agreement between India and Britain and has already passed its opinion by means of a Resolution. This motion would be a vote of censure on the Government for entering into the Agreement. The question of the Trade Agreement is substantially a matter which is involved in this motion also, namely, whether the Government of India were right in entering into this Trade Agreement. The Government's action has already been criticised for entering into this Agreement, and what has happened since then, according to the notice of this motion, is that it has been declared by the Secretary of State that the Government are not going to modify their attitude with respect to this Agreement. The Resolution that has been already adopted is a mere recommendation and does not bind the Government. If a motion for adjournment like this were to be allowed, it would be quite correct to say, as has been said, that the process of censuring the Government under the present Constitution would really be interminable. Therefore, as the Constitution stands, the Chair does not think it is contemplated by Rule 11 that such a motion should be discussed or considered by the House. The Chair rules that the motion for adjournment is not in order.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce that under Standing Order 80(1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions:

- (1) Mr. S. Satyamurti.
- (2) Dr. Ziauddin Ahmad.
- (3) Raja Sir Vasudeva Rajah, and
- (4) Mr. N. M. Joshi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

RESOLUTION RE PREVENTION OF IMPORTATION OF FOREIGN RICE.

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with the further discussion of the following Resolution moved by Mr. Satya Narayan Sinha on the 5th February, 1935:

"That this Assembly recommends to the Governor General in Council to take effective and immediate steps, fiscal and other, to prevent or to control the importation of foreign rice, especially from Siam and Indo-China into India."

The Chair thought that the Honourable Member (Mr. Satya Narayan Sinha) had concluded his speech.

Mr. Satya Narayan Sinha (Darbhanga cum Saran: Non-Muhammadan): No, Sir, but I do not propose to take much time of the House. I would, however, like to recapitulate briefly what I said last over this motion. I tried to show you, Sir, from figures which I quoted, that rice is the most important agricultural product of this country. I had also put before you, Sir, the figures of the rice exporting countries of the world and made it perfectly clear from them how, on the one hand, our export trade had gone down, and, on the other, Siam and Indo-China had increased their exports. I admit, Sir, the internal price level has been reached all over the world and the general level of price prevails where rice is consumed. But the additional factor which has intensified and aggravated the situation in our country is the importation, or I would rather call dumping, of foreign rice especially from Siam and Indo-China.

I would like to place before you, Sir, the total import of rice in tons and their values in rupees from Siam into India. In the calendar year of 1932, the quantity of rice was 30,506 tons worth Rs. 23,79,666, in the year 1933, it was 34,419 tons, in money value Rs. 27,73,046, but, in the year 1934, it went up to 2,85,415 tons, in money value Rs. 1,76,25,124. You will agree with me, Sir, that the rise is very abnormal. It is practically seven times more than the figures of the preceding year. Besides this, I know, Sir, that Siam practically imports broken rice and consequently competes very unfairly with our whole rice in the market. I presume, Sir, this is the only poor and unfortunate country where Siam finds a market for her broken rice, and consequently, competes very unfairly with our rice markets. By the by, I would like to tell you also, Sir, that wheat, which is not so important an agricultural product of this country as rice, is being protected by import duty. I want to make my position perfectly clear, Sir, that I do not grudge the protection given to wheat, but all that I want to say is that if wheat is being protected, there is no reason why similar protection should not be extended to rice also. I know that India proper does not produce as much rice as she consumes, and some Honourable Member, on behalf of the Government, might add to it that on account of famine prevailing in certain parts of the country due to the failure of crops brought about by drought or floods, it is necessary for Government to import rice from foreign countries. To that contention, I may submit, Sir, that we are already importing rice from Burma, and, if need be, we shall do the same from there. There is enough of exportable surplus of rice, in the said province, and we need not fear the dearth of rice if Siam and other foreign countries are stopped throwing their rice on our market and thus depress the price further.

I would, in the end, Sir, in the name of the toiling millions of poor agriculturists of our country, whose economical condition is perhaps the worst on the globe, appeal to this House, through you, to pass this Resolution, and I hope, after this House passes this Resolution, the Government of India will respect the opinion of the representatives of the people and will not behave in the same irresponsible manner as they have done recently with regard to certain motions passed by this House.

With these words, Sir, I commend this Resolution for the acceptance of the House.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.

"That this Assembly recommends to the Governor General in Council to take effective and immediate steps, fiscal and other, to prevent or to control the importation of foreign rice, especially from Siam and Indo-China into India."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, with your leave, I would like to make a slight amendment to the amendment as it stands on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member want to omit any portion?

Prof. N. G. Ranga: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member must move the amendment and obtain leave of the House to omit what he wants from the amendment.

Prof. N. G. Ranga: Sir, I move:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to take immediate and necessary steps, fiscal and other, to prevent or to control the importation and dumping of foreign rice and paddy."

I want to omit the words "and dumping" from the above amendment, so that my amendment would read, after the deletion of the words proposed:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to take immediate and necessary steps, fiscal and other, to prevent or to control the importation of foreign rice and paddy."

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House for the omission of the words "and dumping"?

(Leave was granted by the House.)

Prof. N. G. Ranga: Then, Sir, I move:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to take immediate and necessary steps, fiscal and other, to prevent or to control the importation of foreign rice and paddy."

Sir, in moving this amendment, I should like to state that the importation of rice and paddy from foreign countries has begun to loom large in our importation figures four years ago. Before 1929-30, the imports were not considerable. In 1929-30, the imports from Siam and Indo-China began to come and, as my Honourable friend, Mr. Sinha, has already pointed out, in the last year especially the imports have become phenomenal and they have increased six fold. The imports have been going on like this and the Government of India have not so far tried to do anything at all to prevent these imports. I submit that though it is usually claimed that India by herself is not self-sufficing in her need for

paddy, there is Burma, and Burma rice imports into this country have been on the increase in the last ten or 15 years. Even in India, the total production of paddy has been on the increase for the last 40 years. In the quinquennium 1895-1896 to 1899-1900, the average total yield was 21 million 466 thousand tons, whereas, in 1932-1933, the total production has come to be 31 million tons. So there has been an increase of nearly more than 9½ million tons in the last 35 years, and, I submit, the increase in the production of paddy and rice in this country has been really very much more than the corresponding increase in the population or the corresponding increase in the demand for paddy. In addition to that, there is Burma. In Burma, again, the production has increased in the last ten years. In 1923-24, while it was four million, 167 thousand tons it has come up to four million, 930 thousand tons in 1932-33. Again, the imports from Burma have been increasing from year to year, and, in 1933-34, it has increased by 30 per cent, and, today, as far as the Madras Presidency is concerned, where you have Siamese and Indo-China imports, the position is very bad and the imports from these places have badly affected the local markets and the total supply has increased by 50 per cent. in the last four or five years. Under these circumstances, nobody can really claim that India could possibly suffer either now or in the near future from any shortage of supply either because there is a failure of rains in certain portions or there is a famine in certain other parts of India. Secondly, India and Burma, taken together, have for a long time been exporting countries as far as rice is concerned.

In the last four or five years, India and Burma have become specially the dumping ground for foreign rice, not because of lack of supply in this country, but because foreign rice has become very cheap even in this market. In this connection, I wish to quote for the consideration of the House some of the remarks made in the *Trade Review* about Siamese imports:

"This position of increased imports into India concurrently with a record harvest in Burma appears at first sight unusual; but to some extent it can be explained by the fact that the declining prices gave an inducement to foreign growers to get rid of their stock as quickly as possible."

It is in this fashion that Siamese rice has been imported into this country at very much less than the cost price either in that country or very much lower price than the price which is expected to leave a decent margin of profit—at least to cover the cost of production of rice for our rice growers. While this dumping has been going on, the Government of India have not tried to do anything. There was a discussion in the Legislative Assembly in 1934, and some Honourable Members then raised this question and requested the Government of India to take some action, and, it was in that connection that Mr. Bajpai, the Member in charge of the subject, made certain promises which have not been, as usual, fulfilled till now. He said:

"The position is fundamentally different in regard to rice."

—At that time he was talking in relation to wheat.—

"Inasmuch as we are not an importing country, but including Burma, an exporting country. We have made representations even on that subject to the powers who are our competitors, and I hope that before the end of the Session."

[Prof. N. G. Ranga.]

—that was in 1934,—

"I may be in a position to inform Honourable Members as to what measure of success these representations have achieved. At least we shall leave no stone unturned to get these negotiations concluded as rapidly as possible."

As always happens with this Government, nothing has so far been done and this promise, that was held out, that definite information would be placed before the end of that Session before Honourable Members, was not fulfilled. No information was placed before that House and no information has been placed before this House now; and in reply to my question whether the Government of India would be willing to place on the table the correspondence between themselves and the foreign Governments and between themselves and the Madras Government, the Education Secretary replied the other day that the information would not be placed on the table in view of some political conditions, and so on. So that promised information has not been placed on the table, and we do not know anything about this. Anyhow, we know this that so far as Siam and Indo-China are concerned, our exports into those countries are not very considerable; and although, therefore, we have a sort of favourable balance in regard to those two countries, the last two years' balance has been very much adverse and has been very much against us because of the phenomenal dumping of rice into this country from Siam and Indo-China.

Again, the Honourable Member cannot possibly plead that retaliatory measures may have to be feared from these two countries, because our exports to these two countries consist mostly of opium and jute, for which I think we have a practical monopoly. We may not be very proud of our monopoly for opium, but at least we can be proud of our monopoly in jute. And when we are mainly supplying only these two things and we have been having a favourable balance of trade, I do not think it is open to any Honourable Member of this House, and least of all to the Honourable Member of Government, who is in charge of this subject, to argue that we cannot think of taking any step against these imports merely because there might be any retaliatory measures or anything like that.

Then, Sir, coming to the question of outbreak of famine in the South and in other parts of the country, again I must state that it is true that there is famine in six districts of the Madras Presidency. And it is also true that agriculturists in other parts like Gujerat have been affected by the recent frost, and so on. But these visitations of bad seasons have been experienced by our country for a very long time and even in the last three or four years. And yet the prices have been continuously on the decline. While, in the last two or three years, in other countries like America, prices have been pushed up, and the prices of agricultural commodities also have been pushed up by definite steps taken through the Nira by the Government of President Roosevelt, in this country our Government have not done anything at all. There, in America, the prices of agricultural commodities have almost become the same as they were in 1929-30, while, in this country, there is still a fall, and the prices are still falling. When I asked Mr. Bajpai the other day as to whether he was aware of the fact that the prices were falling, he said his information was that the prices were rising. In fact, there was a short period of one week or five days during which the prices were rising and there seemed

to be some sort of indication that prices might rise. But, in fact, the prices are still falling. Even when the prices did rise, that price-level was about 40 per cent. less than the price level of 1929-30. And it is very much lower than the prices we had in 1913-14.

Even the idea that if the prices are raised, the consumers will be badly affected, cannot be brought before us, because the consumers have been getting the benefit for a number of years now, and specially since 1929-30 they have been enjoying almost a bounty from agriculturists, because the agriculturists have been producing paddy at prices which would not cover even their ordinary day to day cultivation expenses, not to speak of enabling them to pay the *kist* and the overhead charges for cultivation.

Lastly, it may be mentioned here that the increasing exports of gold are, after all, drawn from the peasants who are otherwise unable to pay their *kist* and their cultivation expenses, who are unable to make both ends meet because of the fall in prices. Government did nothing to stop this fall in prices. People have been asking for prohibitive duties on these imports from Siam and Indo-China and the Madras Government are reported to have communicated to the Government of India several times in an importunate fashion, and yet the Government of India have not given any timely, helpful and resourceful reply to the Madras Government. Nor was any assurance of assistance given to the peasants themselves. Exports of gold have been increasing, and, in the last three weeks alone, that is, in January, which is the very first month in which land revenue collections are made all over India, at least in the major portion of India, the exports of gold have increased by four crores and 87 lakhs. I wish to know from where all this gold is coming. I suggest it is all coming from the peasants concerned and that it is due to the necessity which the peasants have of paying their *kists* to Government.

Next, Sir, while Government are not doing anything at all to help the peasants, they have not been idle in raising higher and higher the burden of taxation. I need not refer to any other tax, but if we take the land assessment alone, apart from the cesses, about which Government may say that these taxes are paid to the district and local boards and that they cannot be held responsible, it has risen in the last 20 years. In 1912-13, their collections under land assessment were 32 crores and 57 lakhs, while, in 1930,

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up and he must conclude now.

Prof. N. G. Ranga: In 1931-32, 37 crores and 90 lakhs were collected by this Government; that is, five crores more per annum was being collected by the Government of India in the last 20 years.

My last prayer before this House and before Government is that the Madras paddy growers have under paddy one-third of the total cultivated area in that Presidency, and their area is little more than 1/8th of the total area under paddy. These people have really a claim upon Government as well as this House for sympathetic consideration and for support, because they have been putting up with untold of sufferings and have not been helped so far.

Mr. President: The Honourable Member has already exceeded his time limit and the Chair can give no more time. Amendment moved:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to take immediate and necessary steps, fiscal and other, to prevent or to control the importation of foreign rice and paddy."

(Mr. M. Ananthasayanam Ayyangar rose in his seat.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not wish to move his amendment?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): I do not want to move this amendment and tie down the hands of the Government

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not want the reason.

Mr. M. Ananthasayanam Ayyangar: I wish to speak on the Resolution

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): On a point of order, Sir. I think the amendment of Sardar Mangal Singh is not in order. Paragraph 136 of the Manual says that a Resolution shall be precisely expressed and shall raise substantially one definite issue. The Resolution raises one definite issue, and, that is, the importation of rice. Sardar Mangal Singh, on the other hand, wants to raise the issue of the importation of wheat. I submit that the two really are not connected. What is at issue is the importation of rice and not the general attitude of Government towards the imports of all commodities.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member want to say anything on the point of order raised? There can be no doubt that this amendment is out of order as it seeks to widen the scope of the Resolution. The Chair, therefore, rules that it is out of order.

The discussion will go on now on the Resolution and the amendment moved.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the amendment before the House relates only to one aspect, dumping; otherwise the original motion covers all the points that have to be considered under this Resolution. This is not the first time that we are discussing the question of rice in this House and of commodities connected with rice: we have been passing Resolutions after Resolutions, and yet the Government are absolutely callous to all our motions and Resolutions. This motion concerns mainly the agriculturists of India. This callousness of the Government amounts almost to a crime. This question of importation relates to the trade in rice and is a question with which traders, in and out of India, are concerned; and I must say that the Government always have great regard for the interests of traders and they always look to their interest. The people of India are suffering and

everything has gone down in price and there is suffering all round, and still the Government pay no attention to the condition of our agriculturists. My friends on the other side have given figures to show that the cultivators are suffering, that the traders are making money right and left. The foreign traders, who are dumping rice into this country, do so only in their own interests. We in India grow enough rice: we grow enough paddy, and, therefore, there is absolutely no reason why the Government should allow this process to go on without doing anything. If a prohibitive duty is not placed, then the agriculturists in India will suffer most. The agriculturists are said to be innocent silent people who have very little representation in the Councils or Legislatures: the landlords realise their rents, but do not care much for their tenants. I say, the Government have turned a deaf ear all these days to the position of the rice cultivators in this country. There is not much to be said on this subject. The figures of imports are there, not only from European countries, but also from Asiatic countries

An Honourable Member: No European country imports rice into India.

Mr. Muhammad Azhar Ali: By European countries I mean foreign countries. Therefore, this condition of affairs cannot be allowed in any case by the Indian peasants, and I would warn the Government that, if this goes on, it will be giving a handle to the cultivators in this country to rise or approach the Government just as we find they did in the State of Baroda—people and peasants rushing to the centre of the Government and asking for relief. If the Government want that such should be the conditions in British India too, they can go on with their present policy of protecting the interests of trade only, and not caring for the interests of the Indian cultivators. I have nothing more to say.

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

[The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.]

Mr. President (The Honourable Sir Abdur Rahim): The discussion on the Resolution will continue.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Mr. President, I thank you in the first place for giving me an opportunity to speak on the rice question, which is a very important question, so far as the Madras Presidency is concerned. The House is probably aware that many of the districts of the Madras Presidency are rice-growing districts, especially the districts which my friend, Dr. Rajan, represents, namely, Tanjore and Trichinopoly, and particularly the Tanjore district grows mostly rice. As far as the other districts are concerned, they also grow rice to a very large extent, and the House, will therefore, be able to appreciate how highly important this question is, especially to those who come from Southern India. The immediate effect of the dumping of rice from Siam and Indo-China is that the price of rice has gone down very low, it is about one-third or one-fourth of what it was before. Perhaps some Honourable Members may wonder how the imports of rice during recent years have affected the price of rice so much, but our inquiries show that the price of rice has gone down so

[Mr. T. S. Avinashilingam Chettiar.]

low that the agriculturist is not able to sell all his produce. It is all kept in the store. Even the rice which was harvested last year is lying in the godowns and has not yet been sold. I may point out to the Government that it is not merely a question of lowering the price of rice and thus diminishing the purchasing power of the agriculturist, but it is a question which needs the most urgent and anxious consideration of all concerned, namely, how much rice is being kept unsold in the godowns of agriculturists, because they find no purchasers, as rice is being imported in large quantities from Siam and Indo-China and is sold at very much lower prices. I hear—I do not know how far it is true,—that Siam and Indo-China produce such an amount of rice that they cannot find a market for their produce in their own country, and, therefore, they dump it at any price on this country. In these circumstances, it is but natural that, owing to the economic forces that are at work, the cheapest rice finds a ready sale in this country, and most of the rice that is grown in India remains unsold and uncared for.

Sir, this is not a matter in which the Government can sit quiet any longer. This is a matter which affects the agriculturist very seriously. All these years, ever since the depression set in, the agriculturist has not been able to pay his *kist*, because he has not been able to sell his produce readily at an economic price. He has so far been able to keep himself alive by the sale of gold he had, by the sale of a few ornaments of his wife and children, but in future it will not be possible for them to sell any of their ornaments, because they have none with them now. Matters have now reached a stage when,—I am sure, Government will believe me when I say this,—the agriculturists will vacate their lands, when they will gladly retire from their lands without paying any taxes or *kist*. Sir, it is their love of land that has kept them so long to the land, and not because they are able to carry on cultivation at a profit. The other day, some of us were discussing this question, and when we calculated the profit from land, we discovered that far from making a profit, a distinct loss was being incurred by the agriculturists. The Mirasdars in the Tanjore district possess vast tracts of rice-producing lands, and it is now found that the greater the area of land a man possesses, the greater is the loss he incurs, and the loss these people incur is such that they will not be able to suffer it for a very long time. Government have often said that they have the interests of the agriculturists in their heart. The Honourable the Leader of the House said the other day that the Congress stands for the masses, but never moves. Now, I want to know from the Government, with all their sympathy for the agriculturists, what action they propose to take to alleviate the present distress of these poor people? The Honourable the Finance Member said this morning that he had made promises to the Services that the cuts would be restored when the financial position improved. May I ask him, are not the promises to the agriculturists and the masses far more urgent requiring immediate action than the promises to the Services. Sir, the promises that the Government have given to the agriculturists are as old as the Government themselves, and if any relief was due, it was not to the fat salaried Government servants, particularly when the cost of living has gone down, but it was due to the poor agriculturist, because the prices of his produce have gone down so low that it is not at all a remunerative proposition to stick to agriculture. The other day, the Honourable Mr. Bajpai said that the price of paddy had gone up. Am I right?

Mr. G. S. Bajpai: What I said, Sir, was, that according to my information, prices at the end of December, and, even in the beginning of January, were rising. That was what I said.

Mr. T. S. Avinashilingam Chettiar: May I point out to the Government that the way in which they obtain statistics is not correct. Now, I can tell this House something about the way in which these statistics are collected. It is the Tahsildar who is entrusted with getting the prices of agricultural produce. He merely goes to a merchant, asks him a question about the market condition and simply puts down a price without making any proper investigation into the matter, and submits his report to the higher authorities. Things are not properly examined before submitting reports of agricultural produce, but a most casual inquiry is made by the Tahsildars, and their reports are sent up to the Government, and here the Government Members give it out as their information. I would ask the Government to take the market rates into consideration. I would ask them to take the market rate of rice as it is taken in a standard market, and, if that is done, my Honourable friend opposite will be able to see by how much the price of agricultural products in general and of rice in particular has gone down, and that agricultural lands which produce rice are no more an economic proposition.

Sir, let me remind this Honourable House that this rice problem is not new. Just when I was returning from my house, my friend, the Raja of Kollengode, was telling me that this question was discussed threadbare last year, and that a Committee was also appointed to go into the question. I do not know what that Committee has done. The Government had promised to do what they could in the matter, but evidently that promise has gone into the waste paper basket, and I do not know what they propose to do in the matter now. Let me remind my Honourable friends opposite that if they are to do anything for the amelioration of the condition of these poor agriculturists, to force up prices, to prevent the dumping into this country of foreign rice, let them do it now. In their own interest, I say that Government ought to pay immediate attention to this important problem because, if they have to recover *kist* from these agriculturists, then these people ought to be kept well, and unless they are kept in a position to cultivate their lands in a remunerative manner, unless they are able to sell all their produce, all the lands that now grow rice may, in a very short time, be completely neglected and they will become waste lands. With these few words, I support this motion.

Raja Sir Vasudeva Rajah (Madras Landholders): Sir, as one who has given notice of a similar Resolution, I have much pleasure in wholeheartedly supporting the motion before the House. I am glad to find that several other Honourable Members belonging to different Parties have also given notice of the same Resolution, which goes to show that many of them have already realised the importance of the matter that we wish to press for the consideration of this House and of the Government. Being a landholder myself, coming from Madras, a province which is more seriously affected than any other in India, I think, I can speak, with some intimate knowledge, of the conditions prevailing there and of the acute distress that has been brought about by the importation of foreign rice. This is a menace which has come into being and has assumed a serious magnitude within the last three or four years. It is only since the year 1931-32 that Siam and Indo-China have begun to import rice in large quantities into this country. Till then there was no

[Raja Sir Vasudeva Rajah.]

importation of foreign rice worth the name. For instance, in 1930-31, they imported only, 5,134 tons of foreign rice and paddy from those two countries together. In 1934-35, this quantity increased to 335,000 tons in nine months, that is, about seventy times in three or four years. The reason for this large importation of foreign rice during the last two or three years is due to the fact that both Japan and the Netherlands Indies have prevented rice importation into their countries and rice trade has been diverted to India from those countries.

The report of the Financial Adviser on the budget of the Kingdom of Siam for 1934-35 shows as follows. During 1933-34, restrictions were imposed on the Siamese rice by both Japan and the Netherlands Indies, but the statement declares:

"This loss has, by a happy chance, been more than made good by increased exports to India."

In 1933, Japan and Formosa took 105,150 tons of rice, and, owing to restriction, it has dwindled down to 433 tons in 1934. Similarly, in the Netherlands, it has come down from 38,119 tons in the previous year to 4,989 tons in 1934, while in India it has increased from 9,973 tons in 1933 to 335,000 tons in 1934. It will be seen, therefore, that this enormous increase in the importation of rice has affected the market most seriously and that the price of rice has gone down so much that in many places the cultivation cannot be continued with any reasonable profit and the landholders and all those who depend upon them have been most adversely affected. India is a country where agriculture is the chief industry, and 80 per cent. of the population depend upon it either directly or indirectly. If this industry is allowed to be adversely affected, it will bring about disaster and ruin to a great majority of the population.

The Madras Presidency at present does not grow enough rice to meet all its requirements, though, before long, owing to the Mettur project and other schemes recently inaugurated, we hope to do so. But, even in the worst of seasons the quantity that had to be imported into the Madras Presidency was only somewhere between four and five hundred thousand tons. This was met by the importation of rice from Burma which has always been our source in the past to draw the required quantity of rice from. Burma has been a part of India and it is the natural place from which we could and should obtain our rice to the extent that we want. They grow in Burma enormous quantity of rice and they have to get rid of more than three million tons of paddy which they produce over and above their own requirements. For this they can find a market in India only to the extent of one and a half million tons and they have to go to other markets to sell the remaining quantity. If, however, Burma begins to dump rice on us, even there we may have to fix a quota for their import or impose some other restrictions in future for our own protection. That is a matter which may be taken up along with the scheme of separation of that province from us. But the case is quite different with Siamese and Indo-Chinese importation. They have a kind of broken rice which they must somehow get rid of, and it is imported into this country and sold for whatever price they can get. This has brought about a very serious situation and has begun to tell on the conditions of landholders, tenants and agricultural labourers. This matter has been prominently brought to the notice of the Government of India who alone

can take effective measures to stop the importation either by completely stopping it or by imposing sufficiently high duty. Not only the Madras representatives including myself have made representations to the Government of India, but the Madras Government also have made very strenuous and urgent representations to relieve the presidency of this menace.

Speaking on this question in the Madras Legislative Council, the Revenue Member said, he was perfectly aware that there was a feeling of great discontent, which he himself shared, with the import of rice from Siam, Indo-China and other places and which had not been stopped:

"This Government had urged in season and out of season and they would urge still on the Government of India the necessity of stopping such an import. He hoped the Government of India would be strongly supported by the Presidency's representatives both in the Legislative Assembly and the Council of State, and between them they might get some specific good results."

The Government of India have so far taken absolutely no steps in this matter and have been wholly responsible for the condition in which the people of the province and the Madras Government have been placed. During the last three years, a remission in the land tax had to be given to the extent of Rs. 60 lakhs a year and it has not touched the fringe of the requirements. This year, again, the Legislative Council has voted for a reduction of 33 1/3 per cent which, if given effect to, will reduce the land revenue by about two crores of rupees. The Madras Government seem to have just issued orders that they cannot accept the Resolution of the Legislative Council for the only reason that it will bring about serious disturbance in their own finance. So, the agriculturists are again left in the lurch. If only the Government of India had taken early and prompt steps to stop this ruinous competition from Siam, Indo-China and other countries, the Madras Government would not have had to forgo their revenue to the extent I have stated. It has made serious inroads into their financial conditions and has benefited nobody in the least. On the other hand, every one in the Madras Presidency feels bitterly against the attitude of the Government of India, and there is a wide discontent, and, I may even say, disaffection prevailing in the country. If the present attitude of the Government of India continues, they will find that very soon they will not have many friends in that province. Already the Government must have noticed—I need not allude to the last election—how little support the country gives to those who are standing by the present Government. The people cannot be blamed for it, because by their attitude the Government have driven them to economic despair. To mention only one single instance,—I can cite many more—land worth Rs. 45,000 in Malabar was sold for Rs. 1,500 for failure in paying assessment. This may sound incredible, but it is a gruesome fact. If immediate steps are not taken, I am sure, there will be trouble in the country for which the Government cannot reasonably blame the people.

During the life of the last Assembly, several Members pressed this matter on the attention of the Government and requested for some relief, but the only reply forthcoming was that the matter was receiving their consideration. The period of consideration has now lasted for over two years and the life of the last Assembly has also ceased. Now, this Assembly has taken the matter up, and, I hope, hereafter at least we shall be vouchsafed a reply more satisfactory than in the past, viz., "The matter is receiving consideration". We are tired of hearing this

[Raja Sir Vasudeva Rajah.]

stereotyped answer and think that even for the Government of India's consideration there must be a limit. If indeed they cannot solve the problem, it is better they say so. The whole country is simply disgusted with their present attitude and evasion.

When a similar question arose with regard to the protection of wheat in the Punjab, the matter was taken up expeditiously, and relief was given. I do not know why a different treatment is given in approaching the rice question. The country is blaming the non-official Members here for the actions or inactions of Government. If we are unable to make you move in this matter, which is one of very great importance, and if you are going to continue your callous attitude, let us know it. In the West Coast we are also threatened with a similar situation by the importation of cocoanut and copra from Ceylon. It is also of grave importance to our Presidency. If Government feel a delicacy in completely stopping the importation of foreign rice and paddy, I would suggest that at least a protective duty of Rs. 1-4-0 per maund of rice and 15 annas on paddy may be levied without further delay.

With these words, I commend the amendment to the acceptance of the House.

Mr. G. S. Bajpai: Mr. President, as has been pointed out by more than one speaker in the course of the debate, this question has come up before the House from time to time since February, 1934, when it was discussed as a side issue at the time that the Wheat Import Duty Extension Bill was under consideration. Government, Sir, are really glad that an opportunity has offered itself this time for an objective and a detailed presentation of what is really an economic problem—a problem which ought not, I submit, be presented in any but a dispassionate light. The Honourable the Mover of the Resolution who comes from Bihar very chivalrously took up the cudgels on behalf of the Southern Presidency. The position, if I may be allowed to put it that way, is that this problem of the imports of foreign rice is exclusively a Madras Presidency problem. It is not a problem which affects the whole of India, because, outside the Presidency of Madras, there are practically no imports of foreign rice.

Mr. Ghanshiam Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): That affects the prices everywhere.

Mr. G. S. Bajpai: I think if my Honourable friend will let me develop the argument, he will be satisfied as to what it is that affects prices and what it is that does not affect prices. Now, the broad argument which has been used in the course of the debate today is that there has been a catastrophic fall in the price of rice. This fall set in in 1930-31. There has been a steady increase in the imports of foreign rice also from the year 1930-31. Therefore, the import of rice from Siam and French Indo-China—these are the two countries primarily concerned—is largely responsible for the drop in prices. Now, Sir, as I hope to explain to the House, the matter is not quite so simple as all that. I shall mention a few figures. 1929-30 is the year in which the depression began. In 1930-31, rice prices in Madras had fallen by nine per cent.; in 1931-32, they had fallen by 37 per cent.; in 1932-33, they had fallen by 45 per cent.

in 1933-34 they had fallen by 55 per cent. What exactly was the proportion in these areas of the imports of rice from Siam and French Indo-China to the production of rice in the Presidency of Madras? In 1930-31, the proportion of imports to the production which was 5.25 million tons was less than .1 per cent. In the succeeding year, imports were about 7,500 tons, in other words, .14 per cent of the production for the year which was 5.37 million tons. Next year, the imports were 17,000 tons, proportion one-third of a per cent. In 1933-34, imports were 70 thousand tons, proportion a little over one per cent. of the total production of the Presidency. I submit that, from this detailed presentation of the case, it will be clear that the fall of 55 per cent. in prices could not possibly be due to these imports from Siam and French Indo-China. In fact, as I hope to show the fall was due to exactly the same cause which has brought about the fall of prices for primary commodities all over the world, that is to say, world depression. I will give corroborative evidence

Mr. T. S. Avinashilingam Chettiar: But importation makes it worse.

Mr. G. S. Bajpai: Will my Honourable friend let me pursue the matter? We are at present trying to determine to what extent, if any, prices are affected by these imports. I am trying to show that this abnormal fall in prices could not be primarily or even largely due to the imports of rice from Siam and French Indo-China. I am not contending anything more than that at the present stage. Now, I was going to adduce corroborative evidence in support of my contention, which is that primarily the fall in prices has been due to the same causes which have produced the fall in prices of other agricultural commodities. Take, for example, rice itself. The fall in Burma, which is a considerable producing area, was exactly the same, 55 per cent. Take the United Provinces from which I come. We have exactly the same position. Take cotton, a non-food crop. In the Madras Presidency, in the Punjab and in the Central Provinces, the fall in prices was the same, 55 per cent. Take wheat. In 1930-31, the price had actually fallen by 63 per cent. I can go on multiplying instances, but it does not seem to be necessary, because I think I have said enough to establish my main point, which is that the main cause of the fall in prices of rice is the same as in the case of other agricultural commodities, namely, world depression and not the import of small quantities of rice from French Indo-China and Siam.

Now, Sir, my Honourable friend, Professor Ranga, tried to castigate me this morning for having promised some statement to the Assembly last year, a promise which I did not carry out. The position as regards that is this. Up to the end, as I have said, of April 1933-34, for which I have given figures, there was no special feature in the situation in the Madras Presidency calling for either special or emergent action. All the same, the Government of India were impressed by the increase in the volume of imports, and, therefore, they made representations to the Governments of Siam and French Indo-China in order to see how they viewed the problem from their angle and whether there was any possibility of adjustment by friendly negotiations. What I had said when this matter came up in February was that I would take the House into the confidence of Government if the result of these negotiations became available before the end of the Session. The result did not become available before the

[Mr. G. S. Bajpai.]

end of the Session. One can hardly blame me in the circumstances for not having fulfilled my promise. I was not in a position to fulfil the promise, because I did not have the material. But that is by the way. The fact remains that, after having made these representations, the Government of India said "we must watch the situation and watch it as closely and carefully as we can." They took steps to instruct the Customs authorities to give them fortnightly information as regards the quantities of imports that were coming in from Siam and French Indo-China. The other relevant factor to the problem was the position of prices in the Southern Presidency. The Government of Madras had themselves taken action in February, 1934, to appoint a special officer to go into the whole question of the production of rice and the trade in rice. The Government of India hoped that the data which this officer collected would put them in a position to appraise the situation clearly and completely. I may mention that this report was not received by the Government of India until the end of December, 1934.

Although the problem was under investigation by a special officer of the Government of Madras, the Government of India took steps in July, 1934, to send down an officer of their own, the Statistician of the Imperial Council of Agricultural Research, to South India, because the imports were still continuing and the Government of India wanted to make some effort to find out as to whether the situation was such as to call for immediate and urgent action. Mr. Vaidyanathan, the Officer to whom I have referred, presented his report to the Government of India early in August. What did that report show? Since the beginning of July, prices had already started rising. Further, he reported to the Government of India that they anticipated scarcity in the food position in Madras, a scarcity which unfortunately had materialised as must be known to Honourable Members coming from the Southern Presidency. I think the House will agree with me that in a situation like that, with prices rising and with an anticipated shortage of food, the Government of India would not have been justified in taking any restrictive action in regard to a staple food commodity. That, Sir, was the position in July and August, 1934. I will now review the matter since we last heard from the Government of Madras.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): As regards the export duty on rice, was there any investigation made as to its influence on the price of rice?

Mr. G. S. Bajpai: I do not think that the export duty has any effect on the rice position at all, because an export duty is in force not merely in India, which is an exporting country including Burma, but also in French Indo-China and Siam, India's competitors. I do not think that that in any way complicates the position; the amount is practically the same.

Raja Sir Vasudeva Rajah: Why are these reports kept confidential? Why are these reports not placed on the table?

Mr. G. S. Bajpai: So far as the report of the Madras Government, Sir, is concerned, I submit my Honourable friend, if he has any grievance against the non-posting of that report to him, it is against the Government

of Madras and not against the Government of India. We have received only six copies. As regards Mr. Vaidyanathan's report, it was an interim report, not a complete report; it could not and did not anticipate the report of Mr. Srinivasan, the Madras Officer. No useful purpose would have been served by publishing it. Sir, I must now resume the thread of my argument. I was stating what has happened, what has materialised since the receipt of the last representation made on this subject by the Government of Madras. That representation was accompanied by Mr. Srinivasan's report, but unfortunately even there the statistical data as regards prices were not complete. We had, however, taken action independently of getting this material from the Government of Madras and we found that, concentrating the attention on prices alone, we were led from obscurity into greater obscurity. It happened like this. In the port of Madras, imports were rising, nevertheless the prices were rising. In Calicut, the imports were rising, and prices, on the other hand, were falling. Further, information showed that for the Presidency as a whole there was no such thing as a uniform or consistent tendency; in some cases prices were rising and in other cases prices were falling. We had, therefore, to re-examine the problem afresh, and the provisional conclusion which we have reached is that it is not over the whole field as it were of rice production and rice prices that these imports and prices reflect themselves, but that the problem is a limited problem of the competition of this imported, which is primarily broken, rice from Siam and French Indo-China with the finer varieties of rice which are produced in the Madras Presidency. I have figures here which tend to corroborate that conclusion, and I simply mention three tendencies which emerge from a scrutiny of these figures broadly. The first factor is that these prices of the finer varieties of Madras rice have been steadily falling. The second factor to bear in mind is that the year of the greatest fall has been the year of the heaviest imports. The third factor—and I hope that this will be marked by those Honourable Members who have been contending that this rice is dumped at any price—is that the prices of imported broken rice have been steadily rising, and, what is more, that they are barely below the price of the finer varieties. There is a fall in price no doubt of the finer varieties of Madras rice. That, Sir, in a nutshell, puts the position clearly,—that these imports do not depress the rice prices as a whole, that this rice does not compete with every variety of rice produced in the Madras Presidency, that it is a problem of the competition of this broken rice with the finer varieties of rice produced in the Madras Presidency

Prof. N. G. Ranga: That makes the position even worse.

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member go on.

Mr. G. S. Bajpai: I do not see how the position is made worse. The contention of my Honourable friends has been that in Madras rice is the staple crop produced in the Presidency. These imports dislocate prices all over the Presidency, and, therefore, the circle of misery is as wide as the circle of the Madras Presidency. I have shown and I think it will be admitted that the difficulty is limited to the grower of this particular variety of Madras rice. Sir, let us view the thing in a correct perspective and not be carried away by extraneous considerations. I was going to mention

[Mr. G. S. Bajpai.]

for the information of the House that this conclusion which I have mentioned has emerged as the result of an examination which we made only recently. It is because of that that I am not in a position to announce to the House today as to what measures the Government propose to take in order to deal with this problem.

Mr. F. E. James (Madras: European): Are Government going to take some action?

Mr. G. S. Bajpai: My Honourable friend asks whether they are going to take some action. I wish to ask him to wait and see, and I hope he will not have to wait very long this time.

An Honourable Member: How long?

Mr. G. S. Bajpai: I cannot fix any time-limit, but I can assure the House that now that the problem has been isolated, there is no reason really why the decision of the Government of India should be delayed long. There are administrative considerations and other considerations. How are you going to deal with this problem? Then, this morning, there seemed to be a tendency to regard the trade balance or trade relations with Siam and French Indo-China as of no special value. Well, it may be that our trade balance with Siam and our trade balance with French Indo-China is nothing very formidable. I have the figures here and I can give them to the House,—as, for example, that with Siam it was 57 lakhs in 1931-32, 22 lakhs in 1932-33 and 44 lakhs in 1933-34. But the important point to remember is that what we do or may be doing towards French Indo-China affects the policy of France, and our trade balance with France is an extraordinarily important factor. It was 7.6 crores trade balance in our favour in 1931-32, a little over eight crores in 1932-33. Then, in 1933-34, perhaps a bad year, it was 690 lakhs, very nearly seven crores. There you are—there are many considerations involved; administrative considerations and economic considerations; and, finally, let it not be forgotten, there is the effect, shall we say, of any action that might be taken up upon the food situation in the Madras Presidency at the present moment, when there is a famine in certain districts and the failure of the north-east monsoon threatens the food situation for the Presidency as a whole. These are complicating factors which necessarily make it important that the Government should have a little further time for reflection and decision. Sir, I have done what I could to put the position and the problem in its correct perspective. I think I have satisfied the House that the problem was not so simple as it has been made out to be. I have also tried to satisfy the House that we could not, before a full and complete examination of the problem, decide what was the proper line to take, that we are considering what that line should be. I hope the House will not press this Resolution, but be satisfied with the exposition and the assurance I have given.

Several Honourable Members: The question may now be put.

Mr. F. E. James: Sir, we have heard with great interest the statement of my Honourable friend, Mr. Bajpai, which is to the effect that the Government of India have at last succeeded in localising the problem and in recognising the fact that there is a problem. They do not go further

than that, and I should like to ask whether we cannot have a little more specific assurance that, having recognised the presence of a definite problem, they will, without any delay, proceed to the next stage and decide upon the particular measures which they should adopt to deal with this problem. I was interested in the arguments which my Honourable friend, Mr. Bajpai, used in regard to the possible danger of retaliation from other countries with whom we had satisfactory trade balances. I should like to ask him one question. I understand that the real competition in Madras is between the better class of raw rice of the country and the imported broken rice which comes, almost exclusively, from Siam. I do not know whether I am correct in that or not.

Mr. G. S. Bajpai: No, Sir, it does not come exclusively from Siam.

Mr. F. E. James: I said almost exclusively. I understand what comes from Indo-China is mainly paddy, and, if that is the case, it is not paddy that we are dealing with. In fact, I have had representations from one or two Chambers of Commerce in South India whom I consulted on this very point. Here is an extract from a letter from the Coimbatore Chamber of Commerce in which they say that the position is not a simple one:

"Already in some parts of the Presidency of Madras, paddy production has failed over a large area, and, in order to provide food for people in those areas, it will be necessary to transport paddy from other parts of the Presidency including overseas sources."

If most of the imports from Indo-China are paddy, then, I suggest that, if the problem is localised to a competition between the broken rice and the better class raw rice in the Madras Presidency, there is no need to touch the import of paddy at all. Then, there was one other point on which I should like to have a little more definite information. My Honourable friend, Mr. Bajpai, said that the fall in price had been greater in the case of the better class rice than in the case of the inferior rice in the Madras Presidency on account of their

Mr. G. S. Bajpai: No, Sir. I think that my Honourable friend did not understand me, or, at any rate, I did not make myself clear. What I said was that the fall in the price of better variety of rice had been consistent. I did not say it had been higher than in the case of the inferior variety.

Mr. F. E. James: That was one of the points which I wanted him to explain. Is it or is it not a fact that the fall which occurs in connection with the better class rice is greater or has been greater for the last two and a half years than the fall in regard to the price of the inferior class of rice? I understand that it is the case. That question serves to emphasise the argument which he has used that the problem is one of competition between this imported broken rice and the particular specialised better class Madras raw rice. But the main purpose of my rising to my feet after my Honourable friend, Mr. Bajpai, sat down was to ask whether the Government cannot give us a little more definite assurance in regard to their determination to do something which will meet this particular problem? In the early parts of December, I remember being in the House of Commons, when Mr. Lloyd George, was speaking about the unemployment question, and he used the phrase that "it is no use people merely admitting the existence of a problem, someone has got to deal with it". In a very small way, I would echo that remark to

[Mr. F. E. James.]

Government today. We thank them for having admitted the problem and for having, so to speak, put this finger on the actual spot where the problem occurs. Can we not have a little more definite assurance that, having gone so far, they will take as urgent steps as possible to meet that problem in one or other way? It has been suggested by some of my constituents that the problem should be met either by the imposition of an import duty which should be of a specific nature, or by the fixing of a quota based upon the average of imports to Madras covering a certain number of years, under which licenses should be issued for purposes of importation. I do not suggest for a moment which of those would be the preferable method. But if it is decided that there should be an import duty, I would stress the importance of that duty being of a specific nature for obvious reasons. On the other hand, if it is decided to fix a quota, I would also urge the importance of fixing that quota on the basis of a fairly wide average in the matter of years, so that the amount of quota may not be a figure inflated as the result of the very large importations of the year 1934. I hope, therefore, that, when considering what action they are going to take, the Government will bear these two considerations in mind.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Sir, the question of the importation of rice to India is not only a question connected with the Madras Presidency, but I find that Sind is also producing large quantities of rice. In Sind, we do not get the Siam or Indo-China rice but mostly the rice from Burma. Sir, today the plight of the agriculturist in Sind is very bad. Last November, when I had to tour about in connection with my election in Sind, I found that they were hardly able to sell their paddy between Rs. 1-4-0 and Rs. 1-8-0 a maund, and, because of that, they were unable to pay their land revenue to Government. Sir, I wish to support the Resolution which we are discussing now. From its wording I find that the Honourable the Mover is only suggesting to the Government to take some important steps to prevent the import of rice or fixing the quota. If I have correctly understood the Honourable Mr. Bajpai, he told us that the Government were also considering the matter and the Honourable Members will soon know about their decision. So, I hope that Government will also support it. Then, my Honourable friend also said that, on account of importation of this low quality rice in Madras the price of the high quality of rice did not go down, but remained steady. Of course, when rice of a low quality is coming, the price of the high quality rice might not be reduced, but, at the same time, it cannot be increased.

Now, Sir, we are faced with two questions so far as rice is concerned. Firstly, whether any import duty should be put on rice, and secondly, whether some quota should be fixed. The House knows that the price of wheat at one time went down very much when India started getting wheat from Australia and some other countries. Therefore, we levied an import duty of two rupees per cwt. on wheat. So, if any sort of protection is given to the local rice, the cultivators, not only in Sind, but in many parts of India, will be able to grow more rice, and, for that reason, will be able to pay their land revenue to their Provincial Governments.

Then, there is another point to which I should like to draw the attention of the House. At present on the rice that we are exporting to foreign

countries, Government are levying an excise duty or an export duty, whatever you may like to call it. The time has come when Government should consider this question very seriously. It is true that 100 years ago the only country which supplied rice to the world was India, and, therefore, the Government levied an export duty of three annas at that time and it has since been reduced to two annas and three pies. Sir, I know that we are exporting rice from Sind to the Persian Gulf and previously we used to export rice to South Africa, Mauritius and many other places. But today we find there is no export to South Africa and Mauritius; there is only a little export to the Persian Gulf. I think that unless and until Government come forward and abolish the export duty on rice, India cannot export her rice to any foreign country. With these remarks, I support the Resolution.

Dr. T. S. S. Rajan (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Mr. President, I am really glad to find that we are mostly on common ground on this question. The Government accept that there has been an increasing import, and, during the last year, they have themselves confessed that the increase has been rather alarming, if I may use such a word. But I may tell for the information of the Honourable Member in charge that, during the last month or two, the imports have been more terrific than during the previous months, and, if we could refer to the article in the *Hindu* and the picture it contains with regard to bags of paddy lying all over the open stores, both in the Tuticorin port and in the streets there, then we can infer the menace is on the increase. That the Government have also accepted to take the matter in hand and that they would soon be doing something definite, the nature of which they are not in a position to divulge, is perhaps the only thing that we have had as a result of this discussion. I put it to them, here is a Resolution, the facts underlying which we can vouch for and which the Government themselves are prepared to acknowledge. Having done that, I ask the Government to accept this Resolution, so that we may not force it to a division. The Government have given assurance that they will take steps, the nature of which steps they have not, however, specified. We have suggested an import duty, the object of which is not so much to penalise Siam or Indo-China as to protect our rice and to protect our prices from falling further. If that is conceded, I really do not see any point in pursuing this discussion any further. What I would like the Government as well as Honourable Members on this side of the House to consider is, whether we shall not ask the Government to accept this Resolution and ask them also to inform this House at the earliest opportunity as to the specific measures that they have either formulated or intend formulating. If that procedure could be accepted, I do not think there is need for any further discussion on this Resolution. Therefore, I suggest to the House that this Resolution should be accepted without any division whatsoever.

The Honourable Sir Nripendra Sircar (Leader of the House): May I say this that the Government will not oppose this Resolution.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the question be now put."

The motion was adopted.

Mr. Satya Narayan Sinha: Sir, several Honourable Members, who have spoken on this motion, after my Honourable friend, Mr. Bajpai, spoke raising certain objections against the Resolution, have very clearly and lucidly answered all those objections. I have only one word to add. The dexterous attempt of the Honourable Member, Mr. Bajpai, to make this motion look like affecting only one province and thereby making the Honourable Members coming from the different provinces feel luke-warm about this Resolution,—I say, Sir, this common practice of *divide et impera* will not succeed in this case.

Mr. G. S. Bajpai: There was no such intention, I can assure my Honourable friend.

Mr. Satya Narayan Sinha: In spite of what my Honourable friend, Mr. Bajpai, has said, we are convinced that the importation of foreign rice does affect the price of rice in our province. Because the Government have not said anything definite as to what they are going to do in connection with this motion, I have nothing more to say, Sir, but I once more appeal to the House to accept this Resolution as it stands.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council to take immediate and necessary steps, fiscal and other, to prevent or to control the importation of foreign rice and paddy."

The motion was adopted.

RESOLUTION RE REMOVAL OF DISQUALIFICATION IN RESPECT OF PANDIT DWARKA PARSHAD MISRA AND CHOWDHURY ASHRAFUDDIN FOR ELECTION AS A MEMBER OF THE LEGISLATIVE ASSEMBLY.

Mr. K. M. Jedhe (Bombay Central Division: Non-Muhammadan Rural): Sir, I move the Resolution which is as under:

"That this Assembly recommends to the Governor General in Council to remove the disqualification in respect of eligibility of Pandit Dwarka Parshad Misra of Jubbulpore and Chowdhury Ashrafuddin of Comilla for election as a Member of the Legislative Assembly under Rule 5(2) of the Legislative Assembly Electoral Rules."

Sir, the decision of the Indian National Congress to participate in the election of the Assembly was welcomed by the Government. As a corollary to this, the country expected that those who have suffered for their country according to their humble judgment would not be disqualified from standing as candidates for the various elections. As a matter of fact, the Governor General removed disqualifications in cases of those who applied for the removal. But two exceptions have been made, in the case of Pandit Dwarka Parshad Misra of Jubbulpore and Chowdhury Ashrafuddin of Comilla. No valid reasons have been so far given by the Local Governments concerned or the Government of India.

Taking the case of Pandit Dwarka Parshad Misra of Jubbulpore, I say, Sir, that he was a Member of this Assembly from 1926 to 1929 when he resigned as per mandate of the Lahore Congress. In the year 1930, at the time of the Civil Disobedience Movement, Mr. Dwarka Parshad was sentenced to two years rigorous imprisonment under section 124A read with sections 109 and 120B on each count, but the sentences were to run concurrently. Under the well-known Gandhi-Irwin Pact, he was released in the month of March, 1931, and was, thereafter, in the Jubbulpore Municipality as a member. In 1932, he was sentenced to one year's rigorous imprisonment under the Criminal Law Amendment Act. But this last sentence, Sir, according to the rules, cannot prevent him from contesting the election. But it must, therefore, be that his sentence in 1930 was construed to be a bar, hence the removal of this disqualification under the election rules is wanted by this Resolution.

Now, Sir, Seth Govind Das, who is happily here in this House as an elected Member, was similarly sentenced in 1930, and again sentenced in 1932-33, and yet disqualification against him has been removed by the Government of India. I fail to see, why this discriminating policy of removing disqualification in the case of one and not removing in the case of another. Pandit Dwarka Parshad Misra had been the President of the Jubbulpore Municipality in 1933-34, and apparently he was allowed to be there. If he was good enough to be the President of the Jubbulpore Municipality even after his conviction, I fail to see why he should be held unfit to be elected to this Legislative Assembly. There is a suspicion in the country that his strong attitude in municipal matters is responsible for this action. I am quite unable to say how far it is true. But it is for the Government, Sir, to remove the suspicion by simply removing the disqualification.

The same is the case with respect to Chowdhury Ashrafuddin of Comilla. In Bengal, the disqualification has been removed in all cases except this. Even Mr. Sarat Chandra Bose was allowed to contest the election although in prison. I, therefore, request this House and request Government that it would be inequitable, unjust, to keep the disqualifications in respect of these two gentlemen, and move this Resolution for its acceptance.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly recommends to the Governor General in Council to remove the disqualification in respect of eligibility of Pandit Dwarka Parshad Misra of Jubbulpore and Chowdhury Ashrafuddin of Comilla for election as a Member of the Legislative Assembly under Rule 5(2) of the Legislative Assembly Electoral Rules."

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I associate myself with this Resolution. I will not go into the personal matters in detail, but I will look at this from a general point of view. It was understood at any rate among the Congress rank and file that it was a mere question of formality for any member of the Congress to apply to the Government and to have the ban removed. On that understanding, most of us applied to the Government, and, in the case of many, the ban was removed. It is, so far as I understand, only in the case of these two gentlemen or one or two more that the ban was not removed, and I do not see why there should have been this distinction, particularly as reasons have not been assigned publicly.

[Mr. Ghansham Singh Gupta.]

Now, as my Honourable friend said, the position of Pandit Dwarka Parshad Misra and Seth Govind Das were exactly the same, but I need not go into details. I will confine myself to merely condemning the attitude of Government in singling out these two gentlemen from among the rest. I repeat, Sir, that so far as my friend, Pandit Dwarka Parshad Misra, is concerned, he was and is as good a Congressman as any of us. He was adopted by the Parliamentary Board along with my Honourable friend, Seth Govind Das. Both of them are pledged to non-violence and truth, and it was a surprise to us in the Central Provinces why that sanction was given in the case of Seth Govind Das while it was refused in the case of Pandit Dwarka Parshad Misra. My submission is that these invidious distinctions should have been avoided unless there were very strong grounds which were known publicly to the people. So far as we are concerned, there is no ground which is known to us, and I do not suppose that there must have been very strong grounds not known to us. So far as I am concerned, I have been closely associated with Pandit Dwarka Parshad Misra from a very long time. He was the Secretary of the Provincial Congress Committee when my friend Seth Govind Das, was its President. And if the President of the Provincial Congress Committee, who was sentenced in the same trial, could be permitted to stand, why should Pandit Dwarka Parshad Misra not have been allowed to do so? That is my grievance. Sir, I cut short my speech, because I do not want to go into the personal aspect of the case and it is only the general aspect that I want to touch upon.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise to support this Resolution. I think I am one of the very few Members in this Assembly who can claim, not only acquaintance, but close personal friendship with both the gentlemen mentioned in this Resolution. Sir, I knew Pandit Dwarka Parshad Misra while he was a Member of this Assembly and I had learnt to appreciate and admire his intellectual and moral qualities. As regards Chowdhury Ashrafuddin, I have known him since our college days when we were contemporaries at college, and both Pandit Misra and Chowdhury Ashrafuddin are men of unimpeachable character, very patriotic, honest, straightforward and brave. They are among the finest type of young men that the present political movement has brought into existence in India, and they are ever ready to suffer for their own convictions and they have suffered also for their convictions.

Now, Government have been very liberal in granting exemptions and removing disqualifications on persons who were convicted of offences, and it is difficult to understand why Government should make an exception in the case of these two persons. Government have allowed even Mr. Sarat Chandra Bose, who is suspected of being connected with the terrorist movement, to stand for election. Even in the case of the Red Shirts, whom Government consider to be revolutionary, they have allowed the leader of the movement to come and contest the election. But we do not understand what could be the heinous character of the crime that these two persons have committed that Government should single them out for this particular distinction. All that we know about them is that they are not anarchists, they are not revolutionaries. They are merely non-violent civil resisters and my own impression is that these two gentlemen have been the victims of vindictiveness of some of the

officials somewhere. Because, when these applications come to the Government of India for removal of disqualifications, I presume they usually send it to the Local Government and the Local Government sends to the Commissioner, the Commissioner sends it to the District Magistrate and he sends it to the Superintendent of Police and the local Intelligence Branch. And if any applicant has the misfortune of incurring the displeasure of any one in this chain of official hierarchy, his fate is sealed and no amount of representation is of any use in securing the removal of his grievances. I do not see what terrible consequences would have followed if Government along with other cases had removed the disqualifications of these two gentlemen. Yet Government are very adamant in their decision and they are persisting in that decision, because they always trust the man on the spot and stand by his decision in spite of the fact that it might have been the most capricious decision that was arrived at by the man on the spot. I only hope that in these small matters the Government of India will not be guided by the personal predilections of subordinate officials and that they will remove the ban on these two gentlemen.

Mr. M. S. Aney (Berar Representative): Sir, the Resolution now before the House makes a demand which, I believe, is simply irresistible. I know, as some of the Members of this House also know, Pandit Dwarka Parshad Misra personally. He has been a Member of this House and in that capacity has done his duties here, I am sure, to the satisfaction of all his colleagues and the constituency which sent him. In denying him the right to contest the constituency once more for the seat in this House, Government singled him out as if he has perpetrated some heinous crime which irrevocably disqualified him. Others, who were sailing in the same boat with him, were permitted to stand and be returned by their constituencies here. Government have not only done an injustice to Pandit Dwarka Parshad Misra but to the constituency which wanted to return him. His services to that constituency both in the capacity of a Member who represented them in this House as well as in other capacities as a public man are so well known that the insult is felt very keenly by that constituency. I am here to inform the Government that the order of the Government is resented very keenly, and there is a very keen sense of indignation in the whole of the Central Provinces and Berar on account of the very obstinate and perverse attitude of the Government in this matter. I know there has been going on for some time a kind of tussle between Pandit Dwarka Parshad Misra and the Local Government on account of some municipal matters: I do not want to impute any motive to anybody, but I am afraid that those whom the Government of India probably thought it wise to consult have unfortunately not been able in this case to rise superior to their personal prejudices and their personal feelings, and it is the perverse view of certain men in office in the Central Provinces that must have come in the way. I wish that the Government of India had been more careful and more exacting in getting and sifting the information from the Local Government, when they found that the Local Government was recommending everybody else and making an exception in the case of one man, whom at least some Members on the Treasury Benches had the privilege to know personally as their colleague for some time. If they had acted upon the recommendation of the Local Government, it was necessary for them to have thoroughly satisfied themselves that there was good ground for the unusual order.

[Mr. M. S. Aney.]

We are all up to this time in the dark as to what is the special ground on which they had to make an exception in the case of Pandit Dwarka Parshad Misra. My late lamented friend, Mr. Abhyankar, my friend, Seth Govind Das, and other friends and Pandit Dwarka Parshad Misra had committed the same offence: they were all sent to jail for the same offence: they all had been living together in the jail for the same offence: and if their incarceration was no disqualification, or if such disqualification was of a nature that the Government could remove it and permit them to stand for the Assembly, where was the necessity to make an invidious exception in the case of Pandit Dwarka Parshad?

The same can be said also of the other gentleman to whom reference has been made by Mr. Abdul Matin Chaudhury. I wish that the Government of India at any rate now will see that they have been misled by somebody and will not perpetuate the mistakes by voting against the Resolution: they should accept this Resolution.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I rise to support this Resolution. I have not the honour and pleasure of knowing personally Pandit Dwarka Parshad Misra: but the other gentleman named in the Resolution, Chowdhury Ashrafuddin of Comilla, I have known for a long time. He was convicted and sentenced to two years' imprisonment for leading a procession at Comilla in January, 1932. I myself witnessed that procession passing along the road. If a procession by itself is an offence, that is quite another matter. But so far as the character of the procession is concerned, I am in a position to bear personal testimony to the fact that it was a most peaceful procession, orderly, without any violence of any sort. The procession had covered about two miles, after which they were obstructed by the police; and, the moment the police turned up, they stopped and surrendered: although there was a merciless beating of some members of the procession by the police, they did not raise a finger—they actually surrendered and they were arrested and taken off to the thana. Chowdhury Ashrafuddin was the leader of that procession. Beyond that there was nothing of which it can be said that he was guilty. As my Honourable friend, Mr. Abdul Matin Chaudhury, has said, he is a very fine gentleman, coming of a very respectable family, a respectable landholder and a devoted follower of the Congress. He believes, I know, in non-violence: he was never guilty of any violence ever since he joined the movement. It was very difficult for me to believe when I heard that his application had been rejected: I could not possibly understand as to what could be the reason for making this distinction: of course I do not know what there is in the police record about him: that is more than we know; but I know this, living in the same place, Comilla, for a long time together—he is a neighbour of mine: so far as we are concerned, we have never heard that he was associated in any way with any movement of violence—much less of being a member of or associated with any revolutionary party. The injustice that has been done to him may have been due to the over-zealousness of some local official: but it is really a fit case for the Government to interfere. I do not know how the mistake can be rectified, but only for future guidance the matter should be inquired into and at all events there should be an announcement made as regards the case of these two gentlemen. Of course the wrong that has been done to them is irreparable so far as the present Session of the Assembly is concerned.

The Honourable Sir Henry Craik (Home Member): Sir, I do not think I need detain the House very long in connection with this Resolution: but I should like at the outset to remove what seems to be a misconception as to the actual rules on this subject of disqualification. The rules are contained in the Legislative Assembly Electoral Rules which are Statutory Rules made under the Government of India Act. First, the general proposition is laid down that any person, against whom a conviction by a criminal Court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting, shall not be eligible for election for five years from the date of the expiration of his sentence. But it is provided that, on application made by the person disqualified under this sub-rule, the Local Government of a province may remove the disqualification with the previous approval of the Governor General in Council. But the Local Government may, of their own motion and without any reference to the Government of India, decline to remove the disqualification. The position thus is that it is within the power of the Local Government to reject an application, but it is not within the power of the Local Government, unless it has obtained the previous sanction of the Government of India, to remove the disqualification . . .

Mr. Ghansham Singh Gupta: May I know whether in the case of Pandit Dwarka Parshad Misra any approval was asked for or did the Central Provinces Government reject it on their own initiative?

The Honourable Sir Henry Craik: I am coming to that. I will explain what has happened. When the question of the removal of this disqualification in the case of persons who had been convicted in connection with the Civil Disobedience Movement was raised in this House by an interpellation, my predecessor explained that would-be candidates who had incurred the disqualification would have to apply to the Local Government, and that there was no intention of departing from the procedure laid down in the rules. In fact, it would have been illegal to depart from that procedure. These are Statutory Rules having the force of law, which Government cannot break any more than any one else. But it was also stated in reply to a question in another place that arrangements had been made that all such applications should be referred to the Government of India in order that there might be uniform treatment of all these cases, that all of them might be dealt with on the same lines. Accordingly, we asked all Local Governments to refer to us any such applications that might be submitted to them for the removal of the disqualification. Now, in all, there were 20 people who wished to stand as candidates and who were disqualified under this rule, and all their cases were referred to the Government of India, including the cases of the two gentlemen named in this Resolution. In 18 out of the 20 cases, the Governor General in Council agreed with the Local Governments that the disqualification should be removed, and, therefore, I think I can fairly claim that the Government's interpretation of the rule has been on the generous side. Ninety per cent. of the total number of the applications have been granted. These two cases, which are referred to in the Resolution today, were the only two exceptions. But I should explain that in certain cases, including these two, the candidates put off till almost the last moment what is, as I have tried to explain, a necessary stage in the process of getting the disqualification removed,—they put off submitting their applications to

[Sir Henry Craik.]

the Local Government till the last moment, and, therefore, the Local Government had to refer both their cases by telegram, as in such case the application was not received till a day or two before the nomination had to be submitted to the Returning Officer.

Mr. Ghanshiam Singh Gupta: May I know, Sir, what was the date of Seth Govind Das's application and also what was the date of the application of Pandit Dwarka Parshad Misra?

The Honourable Sir Henry Craik: On the 6th of October we received a telegram from the Government of the Central Provinces about Mr. Dwarka Parshad Misra; and they asked for a reply by telegram on the ground that the nomination had to be submitted within a day or two of that date.

Mr. Ghanshiam Singh Gupta: Was not the application made on the same day as was made by Seth Govind Das, who is sitting here today?

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhammadan): I, Sir, along with Mr. Misra, applied on the 4th of October. My application was forwarded to the Government of India on the 6th, and, on the same day, Pandit Dwarka Parshad's application was forwarded.

The Honourable Sir Henry Craik: The Honourable Member is perfectly correct. The two cases were submitted in one telegram, and the telegram asked that the decision of the Government of India should be communicated by wire. I do not yet know if I have made myself clear. The point is this, that if an application is to be accepted and the disqualification is to be removed, the Government of India's sanction is necessary, and, therefore, the Honourable Member's case, in which the Local Government recommended that the disqualification should be removed, required the orders of the Government of India. In the other case, they recommended that the disqualification should not be removed (Ironical Cheers from Congress Party Benches), and they referred it to the Government of India, but it is under the rules within their own competence to reject the application. In the Honourable Member's case, the disqualification was removed, and the Local Government gave good reasons, or what appeared to us to be good reasons, why they did not recommend the same treatment in the other case. I had to reply immediately, and I accepted their reasons,—and when I say I, I mean the Government of India. We accepted their reasons as good and said we agreed. Precisely the same thing happened in the case of the other gentleman referred to, Chowdhury Ashrafuddin. In his case, the letter or telegram was received on the 7th October, and the nomination date was the 9th October. There, again, a decision had to be arrived at at once and orders communicated by wire.

Now, Sir, it would be more in consonance with the dignity of this House and far better from every point of view that I should not be called upon to enter into personalities. I do not wish to do so, and if I were to do so, my hands would be very much tied, because part of the information communicated to me is of a confidential nature which I am not at liberty to disclose. But I think the House generally will agree with me that the

debate should be kept on on impersonal grounds. We tried, in communication with the Local Governments, to lay down beforehand certain general principles which should guide them in dealing with such applications, but naturally general principles cannot be expected to cover all possible cases that may arise, and the Government of India, who cannot be expected to have their own sources of information about every possible candidate all over India, must be guided in these matters by the views of the Local Governments. Having to make an immediate decision,—for time did not permit us to refer the matter again to the Local Government,—we had to accept the views of the Local Government. That we have as a rule interpreted these rules about the removal of the disqualification in a generous manner is, I think, shown by the fact that, as I have mentioned already, 18 out of the 20 applications were accepted, and I understand that a good many of the gentlemen in whose cases they were accepted are today Members of this House.

Now, when I turn to the actual terms of this Resolution, I find that I cannot accept it, because it asks the Government of India to do something which it would not be legal for them to do. It asks us to remove the disqualification. Now, the rule, which I have quoted and which I have stated is a Statutory Rule having the force of law, makes it quite clear that in the first place there must be an application by the person concerned; in the second place, the authority to remove the disqualification is the Local Government, and that it must obtain the previous sanction of the Governor General in Council. It would thus not be following the correct procedure if we were to remove this disqualification without the first step being taken by the gentlemen concerned by putting in their formal applications to the Local Governments

Mr. M. S. Aney: Is not that application before the Government? I think it is still before the Government

The Honourable Sir Henry Craik: I don't think so, as that application has been rejected. They must put in a fresh application

Mr. M. S. Aney: What prevents the Government from revising their decision?

The Honourable Sir Henry Craik: These gentlemen are perfectly free to put in their applications either now, or, if they so desire, when they again wish to stand for the House in the unfortunate event of a seat falling vacant or in the case of a general election. And if and when they do put in their applications, I am quite prepared to consider them again and go into the matter more carefully than I was able to do, owing to circumstances which I have explained, on the previous occasion. I am quite willing to take into account what has been said in this debate, and I am quite willing to ask the two Local Governments concerned to do so also. I do not think the House can expect me to go further than that. They cannot expect me to accept a Resolution which in effect asks us to take a course which, as I hope I made clear, would not be a legal course. I trust, Sir, that after considering these observations, the Honourable Member who moved this Resolution will be prepared to accept my assurance and withdraw his Resolution.

Seth Govind Das: Sir, I have not much to say on this Resolution, because the Honourable the Home Member did not give out those reasons on account of which Mr. Misra's disqualification was not removed, as well as the disqualification of another gentleman from Bengal. But, Sir, one thing has been made clear by the Honourable the Home Member, and till now we did not know it so clearly as we do it today. It is this, that Mr. Misra's disqualification was not removed, because the Central Provinces Government came in the way of the removal of that disqualification. Till now we were made to understand, and specially from that lawyer who went with my application and also with the application of Mr. Misra to Pachmarhi to the Honourable the Home Member of the Central Provinces Government, Mr. E. Raghavendra Rao, and the Chief Secretary, that the Central Provinces Government had recommended the removal of the disqualification of Mr. Misra and it was on account of the Government of India that the disqualification was not removed. Today the cat is out of the bag, and though the Government have not given the reasons, I, at least, can understand them very well. But because the Honourable the Home Member did not want to enter into personal questions, I also do not want to enter into that sphere as far as Mr. Rao is concerned. So I leave it there.

Mr. B. Das (Orissa Division: Non-Muhammadan): Is he not a Swarajist?

Seth Govind Das: He was a Swarajist; He is the ex-President of the Provincial Congress Committee, and he is what not. (Laughter.) But, before I sit down, I want to make one thing very clear, that neither Mr. Misra nor I were anxious to come here. The Leader of my Party Mr. Bhulabhai Desai and also the then President of the Congress, Mr. Vallabhbhai Patel, pressed us to stand for the Assembly. Mr. Bhulabhai Desai issued a statement to that effect. So, as far as I am concerned, and as far as Mr. Misra is concerned, we are not at all hurt by this attitude of the Government, but the constituency from which I come and the constituency which should have been represented by Mr. Misra in this Assembly resent this action of the Government. I hope that in future the Government of India will not be befooled by the Local Governments in this way as they have been befooled as far as Mr. Misra's case is concerned. I am sure, if the Honourable the Home Member will refer the whole matter to the Central Provinces Government, he will find that all those reasons which that Government will give him will not justify the non-removal of the disqualification of Mr. Misra. With these few words, Sir, I support this Resolution.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Mr. President, I should like to give a different turn to this debate, if I may, from the one which the Honourable the Home Member concluded it on. He suggested that if these two friends would apply again, he would reconsider their cases and ask the Local Governments to remove their disqualifications.

The Honourable Sir Henry Craik: The Honourable Member is misquoting me. I said that I would reconsider their cases again and take into consideration everything that was said in the course of this debate, and I would ask the Local Governments to do the same.

Mr. S. Satyamurti: I am sorry I gave more credit to the Honourable the Home Member than he deserved. I quite realise that, even though these friends apply again, he won't give any promise of changing his mind.

The Honourable Sir Henry Craik: It is not a question of my changing my mind.

Mr. S. Satyamurti: The whole question is that the point of view of those who support this motion and that of the Government are different. The Government look upon it as a personal favour, which they may either grant or not grant. But I would beg of my Honourable friend to look upon it from a slightly different angle of vision. The first thing that I would suggest to him and his Government is that those constituencies ought not to be deprived of the right of sending those, in whom they have got the greatest confidence, by an executive action which is not consistent with the general policy which the Government wanted to follow.

The Honourable the Home Member began, very rightly, if I may say so, by quoting from the electoral rules of the Legislative Assembly, that the Local Governments have got the right to remove the disqualification with the sanction of the Government of India. And he made a nice point that, if it is a case of non-removal, the Local Governments' words are final. I grant him the legal plausibility of that argument, but he cut the ground from under his own feet when he said with engaging frankness, but with equally engaging unconsciousness of the illogicality of his position, that, while the question came up before the Government of India of members who had incurred the disqualification by convictions in respect of offences committed in connection with the Civil Disobedience Movement, the Government of India had, in consultation with the Local Governments, agreed to lay down a uniform policy. I should like to know from him what is the uniform policy which the Government of India laid down, in consultation with the Local Governments, in respect of the removal of disqualification.

The Honourable Sir Henry Craik: I am sorry to interrupt the Honourable Member, but he is again misquoting me. I said that, in order to ensure uniformity of treatment, we had arranged that all these cases should be referred to the Government of India.

Mr. S. Satyamurti: I suggest that my Honourable friend may speak louder next time. It is so difficult even for me to hear though I am near him; he is inaudible. Because he is so inaudible, I suggest that, in order not to be misquoted, he must improve his voice or evolve some other means by which he can make himself more audible even to those who sit so near him. It is very unfair; we have to take down notes and he simply mumbles to himself all the time. I suggest

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member can go on with his speech.

Mr. S. Satyamurti: Honestly, Sir, I could not hear him. What can I do? I see that he can raise his voice when he wants to impress, and I suggest that he raises his voice. I suggest to the Government of India that either they wanted these cases to be referred to them for the fun of

[Mr. S. Satyamurti.]

it, or because they wanted to follow some uniform policy. I should like whether, in these eighteen cases in which the Honourable the Home Member prided himself on his generosity of treatment, there was any uniform policy or not. Was it a case of the disqualifications being removed, because they were the first eighteen which were received in order of time, or because there was some policy behind it? If there was, I should like to know what that policy was. Then, I should like to raise the other question as to whether the fact that the applications came on the 6th, when, as a matter of fact, the nominations had to be filed in two or three days, really affected the Government's judgment. Was it a case of their making up their minds without enough time; and I suggest to the Government, if they have not enough time to decide this question in case of doubt, it is much better to be generous than to err on the other side. As a matter of fact, the Honourable the Home Member claims that, as the Government have no time they simply accepted the recommendations of the Local Government. May I take it, therefore, Mr. President, that these were the only two cases in which the Local Government said "No" and the Government said "ditto" to them? Therefore, may I infer that the uniform policy was for the Government of India to accept the recommendations of the Local Governments in all cases? Wherever they recommended removal, they accepted it, wherever they did not recommend removal, they also accepted the recommendation. That seems to me then a waste of time for the Government of India to have asked the Local Governments to refer all the cases to them with a view to laying down any kind of uniform policy.

Then, Sir, there is one matter which the Honourable the Home Member touched upon, but did not elaborate, for a reason the soundness of which I concede, namely, that while the Local Government did give certain reasons, he would not like to enter into them, because they were personal. Then, I suggest to him that, if they were purely personal reasons, no decent Government should really bother about these personal reasons, unless there are any public reasons as to why these Honourable friends ought to be disqualified. I suggest, the Government were ill-advised in refusing the removal of the disqualification for reasons they cannot and do not state on the floor of this House.

There is only one more matter on which I want to answer the Home Member. He objected to the Resolution as it stands, because it recommends to the Governor General in Council to remove the disqualification. I submit that that is not an insuperable obstacle. After all, these Resolutions are only recommendations, and the substance of this recommendation is that, to the extent to which the Government of India can influence judgment in this matter, they should use that influence for the purpose of having these disqualifications removed, and I would submit that, under the Government of India Act, as I read it, if the Government of India today make up their minds that Local Governments ought to remove these disqualifications, Local Governments dare not disobey that order. Secondly, the Honourable the Home Member himself has stated that they have already issued orders asking Local Governments to submit all these applications to the Government of India with a view to a uniform policy being pursued. If, therefore, the Government of India tell the Local Governments that they want a uniform policy of removal of disqualifications, they should agree to accept this Resolution.

Sir, there is only one general point which I should like the Government to consider. My Honourable friend from the Central Provinces, who spoke just before me, said that neither he nor Mr. Misra was anxious to come here, but that they were persuaded by the Congress leaders to stand for election; and I would suggest to the Government of India to take a broad and far-sighted view of this question. After all, if at any time, they contemplate any kind of honourable peace and reconciliation in this country, they must not make the path of those who fight them today difficult, whenever they want to function in any Assembly constituted in this country. From that point of view, it seems to me that this House cannot be satisfied by the vague and general character of the reply of the Honourable the Home Member. Here are two Honourable friends to whose character, to whose public service, and to whose position in public life, public testimony has been given by more than one Honourable Member of this House, from personal knowledge of these two friends. It seems to me, therefore, that the Government will be well advised to accept this Resolution, and to remove the disqualification of these two friends in respect of the applications which are still before them. Otherwise, it will leave a sore in the minds of many people and will make people feel that the Government are not following a uniform policy, but are following a petty policy, which may be laid down by Local Governments out of personal prejudice or passion. I, therefore, suggest to this Honourable House that, whatever the Government may or may not do, it should accept this Resolution, and make it a recommendation to the Government.

Mr. Sham Lal (Ambala Division: Non-Muhammadan). I also have to support this Resolution. I am very glad that the Honourable the Home Member has taken up the role of an advocate. Lawyers are being blamed for raising technical objections, and I was blamed by the Honourable the Home Member who was in the Punjab then for raising technical objections in the Lahore Conspiracy case. Now, I think the technical objection raised by the Honourable the Home Member is that if the Central Government were to remove the disqualification, it would act without jurisdiction. When we find in Courts that the decision is going to be against us, we plead want of jurisdiction, but I submit that there is no want of jurisdiction if the Central Government could ask the Local Government to refer all the cases to the Central Government, because they are a superior authority. After all, the Local Government is a subordinate authority and act upon the directions issued by the Central Government. The Governor General can never plead want of jurisdiction. What the Resolution wants, as my friend, Mr. Satyamurti, explained, is that the Governor General in Council should take the initiative and ask the Local Government to reconsider the decision and see if the disqualification can be removed or not. Therefore, my submission is that there will not be any difficulty.

Then, there is one thing more. As we read the Joint Parliamentary Committee Report, we find that the principle laid down there is that any imprisonment would not be a disqualification. The authors of the Joint Parliamentary Committee Report have realised that the idea of disqualifying a person who has been imprisoned for more than a year is a mistake. Of course, so far as the Act is concerned, that provision comes in again. Our fears are that at first the authors of the Joint Parliamentary Committee Report thought that the Congress people would not succeed, but

[Mr. Sham Lal.]

when they found that the Congress had succeeded at the polls, the inserted this provision in the Act; but, whatever that may be, that appears to be the case. Otherwise, when I read the Joint Parliamentary Committee Report, I find that there was one bright feature in the Joint Parliamentary Committee Report and that was that imprisonment would not be any disqualification, and when I read the Act, I find the provision again inserted. What happened in the meantime to change the opinion of the authors of the Joint Parliamentary Committee Report? Just now my friend, Seth Govind Das, pointed out that he was not very particular about the election, but the question was one of principle—whether a person convicted of an offence not involving violence should remain disqualified.

The Honourable the Home Member rightly refused to disclose the information that is with him, but, I think, in law, a conviction, if it is for an offence not involving violence, should have a limited effect. We have only to see the conviction, and if there is an opinion given by the Local Government that this person is undesirable, of course, so far as the conviction goes,—I would say that the Governor General in Council should not in any case go upon the reasons or upon the information supplied by the Local Government. A person may be a fit Member of the Assembly, but the Local Government may not consider him to be fit. Therefore, my submission is that there can be no technical bar and the principle as laid down in the Joint Parliamentary Committee Report should be accepted and persons convicted of offences not involving violence should not be disqualified. I, therefore, support this motion.

Several Honourable Members: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the question be now put.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly recommends to the Governor General in Council to remove the disqualification in respect of eligibility of Pandit Dwarka Prasad Mishra of Jabulpore and Chowdhury Ashrafuddin of Comilla for election as a Member of the Legislative Assembly under Rule 5(2) of the Legislative Assembly Electoral Rules."

The motion was adopted.

RESOLUTION RE REVISION OF THE TAXATION POLICY.

Mr. President (The Honourable Sir Abdur Rahim): Dr. Ziauddin Ahmad. The Chair would allow the Honourable Member to move this Resolution on the understanding that he will finish in time before the rising of the Assembly, that is, at a quarter to five.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I move:

"That this Assembly recommends to the Governor General in Council to take immediate steps for revising their present taxation policy."

(Applause.)

Sir, on account of more pleasant engagements outside the House, I would like to be very brief and to just refer to the salient points as I will have plenty of opportunity to discuss this matter in greater details in connection with the Budget and the Finance Bill.

Sir, I shall first begin with the export duty. I think I may lay it down as a principle that all export duties are unhealthy, and, in the case of articles of declining trade, I think they are vicious. (Hear, hear.) Sir, we can justify an export duty on two grounds only; that is, there must be two conditions which must be satisfied before we are entitled to put any export duty. The first is that the commodity is required in India for industrial purposes, and we could not possibly afford to export it to the outside world who will become our competitors to our finished articles. The second condition is that we may have a monopoly. If we neither have a monopoly, nor we require it for industrial purposes in our own country, then I think it is absolutely incorrect to levy any export duty. We discussed, Sir, in detail an export duty on rice only an hour ago, and, I think, in connection with that, my Honourable friend, Mr. Bajpai, put the whole Assembly on the wrong track and he did not appreciate the real point of view which we were pressing from this side. We wanted from this side on that occasion that the export duty on rice should be abolished and the import duty should be raised, but he really shifted the issue to the question of what are the different causes which regulate the prices of rice. But that was not really the issue. The point which I wish to emphasize is that, in the case of rice, in the case of skins, we have a declining trade, there is absolutely no justification to put any export duty. As I said, export duties are not justifiable at all in the case of rice. I have in my hand the figures for the first eight months of the seaborne trade of India, 1934-35, from which it appears that the export is declining; that is, last year, our export of rice was 2.23 lakhs; this year, during the same period, it has fallen to 1.18 lakhs. Now, whenever an export is falling, there is absolutely no justification for putting any export duty. Similarly, as regards skins, we can also show that this export is falling very rapidly. Last year it was worth 2.23 lakhs and this year it is only 1.18 lakhs. Therefore, with this declining trade, it is not justifiable to put any duty whatsoever. Coming to the third article where we have got an export duty, that is jute, here we find that, in the case of jute, we have got a duty of Rs. 4-8-0 for the raw jute, but for manufactured articles it goes up from Rs. 20 up to Rs. 32. This really means that we encourage our jute going outside to be manufactured in places outside India. If we find that jute has got a monopoly, then we are justified to put an export duty on jute, but this export duty should not vary so enormously in the case of raw jute and manufactured articles. I think we must have a slightly varying duty in the case of manufactured jute compared with raw jute. Otherwise, it would really mean that we are encouraging our jute going outside India and manufactured in other countries. That is my first point. I should like to

[Dr. Ziauddin Ahmad.]

abolish the export duty on rice, on skins, and I would very much like to reduce the export duty on Hessians and other manufactured goods and make them comparable to export duty on raw jute. I won't abolish the export duties here altogether, because we have got a monopoly here. The second point I would like to emphasize is that our income-tax principle is very wrong. This is an admitted fact . . .

The Honourable Sir James Grigg (Finance Member). Did the Honourable Member say that all income-tax is wrong?

Dr. Ziauddin Ahmad: I mean my friend will admit that India is a poor country compared with the United Kingdom. There is no doubt about that, but yet we find that the rate of income-tax in England is not so heavy as it is in this poor country. Last time, during the Simla Session, they had to produce a particular Bill in order that India might get the advantage of the lower rate of income-tax in England. I do not want to go into details at present, but I will only point this out again that in England they make concessions to married men, concessions for children, but no concessions of this kind are allowed in this country. Therefore, while I do not object to the levy of an income-tax—after all, that is a kind of an inelastic article—at the same time, I must say that the income-taxes are very heavy, our poor country cannot bear them, and I would give only one proof and that is this that if India would have been capable of paying the income-tax which is levied upon us, then the estimates of receipts of the Finance Member would actually have materialised, but we find that the estimates of the Finance Member do not materialise,—that is, the actual income last year was a crore less than as estimated in the Budget of 1933-34. This really means that our income has fallen and we are putting too much burden by means of the income-tax on the people of India. Therefore, Sir, though I do not object to an income-tax, I certainly do advocate that the income-tax should be in proportion to our capacity to pay, and the one test is that whatever estimates may be made by the Finance Member, they should materialise, and that is the test by means of which we can see whether our country can or cannot pay such high rates of income-tax. The third point I would like to refer is the heavy rate of postage stamps. Now, we are putting very heavy charges on our postage—heavier than we have in the United Kingdom. In the latter country, Sir, a man can post a letter for a little over one anna from London to India but here we have to pay two annas . . .

The Honourable Sir Frank Noyce (Member for Industries and Labour): I am sorry to interrupt the Honourable Member. Did I understand him to say that the postage from England to India is one anna? The postage is one and a half pence.

Dr. Ziauddin Ahmad: I mean three ha'pennies. Here it is two and a half annas. There is no justification for putting an additional anna, but the point which I would like to make is this. We increased the duty on postcards by 50 per cent. If the law of diminishing returns does not apply, then our income from postcards ought to be exactly 50 per cent.

more than it was in the previous years. No doubt there was some increase as the figures quoted on the floor of the House showed, but it was not 50 per cent, that is, it was not in proportion to the extra duty which we put on the postcards. Sir, the principle by which I judge everything is that whatever additional tax you put, the whole of it should be realised. It would then mean that the country is in a position to pay, otherwise the country is not prepared to pay, and, therefore, the law of diminishing returns begins to operate, as it did apply in the case of the postcards.

Next I come to the protection duty. Two years I was protectionist, but the manner in which we had applied this protection duty in the year 1934 has made me absolutely mad. So much so, that I have now given up all belief in the protection theory. I think the whole thing requires a good deal of revision. Now, the protection theory is based on the principle that we want to protect the articles in order to restore the price level of 1931-32. Then, it is said that we ought to have a fair selling price of these commodities, and a "fair selling price" is an expression which I cannot understand. It has an entirely different connotation in my dictionary from that which it has in the dictionary of the Honourable the Commerce Member. When a person can get a little more, say, one per cent more than the bank rate, then I call it a fair selling price. But my friend is not satisfied with that. Therefore, the way in which this fair selling price is looked upon does not satisfy me and it is not satisfactory. In the second place, the whole protection is based on the Tariff Board Report. I object to the manner in which the Tariff Board functions and the manner in which their recommendations are carried out by the Government of India. There is always an enormous delay in giving effect to their recommendations, and, during this interval, the circumstances of the world change considerably. Therefore, this theory of protection requires a good deal of revision. We do require some protection to our industries, but we do not want in the manner in which it is thought out and devised by the Government of India. The policy of Government is certainly wrong, and especially in these days of depression. Sir, India is an agricultural country, and we have always demanded that the price of agricultural products should be raised, but the Government of India have adopted measures after measures and Bills after Bills in spite of the protests from Members on this side of the House. And for this I should blame my Honourable friend on the right for leaving us alone during the last four or five years. Repeated deliberate attempts were made to raise the price level of the manufactured articles, but no attempt has been made except the Wheat Bill which is repeated from year to year to raise the price level of agricultural products. Excepting that, nothing has been done for our agricultural products. Now, my Honourable friend, the Finance Member, will bear me out when I say that the price level of all articles is constant and the price level of manufactured articles has gone up. Therefore, it naturally follows that the price level of the agricultural products must have gone down. It is all due to the indiscreet action of the Government in connection with the protection policy. Sir, I should very much like to advocate what the policy of Government should be, but this requires a good deal of time. At the present moment, I only wish to suggest one or two principles which I will elaborate later on.

[Dr. Ziauddin Ahmad.]

The first principle is that you should select a few articles which should be of two kinds—either inelastic articles or articles of luxury—and you should get all the revenue which you want from these few selected articles. Government may have a monopoly of these articles and get almost entire revenue. If, however, it may not be possible to get the entire revenue from these selected articles, then I would advocate—although I myself do not like it very much—a very small revenue duty of 2½ per cent. or five per cent. on every article which comes to this country. I hate custom duty in astronomical figures, which we have lately introduced by the pressure of millowners. From these two measures, you should be able to get practically everything which you require.

Mr. B. Das (Orissa Division: Non-Muhammadian): How to get 50 crores?

Dr. Ziauddin Ahmad: Select a few articles of luxury and get all the revenue from them.

Mr. B. Das: Will you kindly mention those articles?

Dr. Ziauddin Ahmad: I will mention them later on. Now, about the protection and the manner in which it ought to be applied, we should not put a very heavy duty on these articles, but stop or regulate their import into this country. It is useless to say: Put so much duty on them. You must stop them altogether. Suppose the consumption of a particular commodity is 100 and we can manufacture only 50 in the first year, then we will import only 50 and not allow the other articles to be imported. In the next year, if you can manufacture 60 articles, then we will allow only 40 articles to come into this country, and so on. In this particular way, the price of the manufactured articles will remain within reasonable bounds. We give quota to various countries by taking our export into consideration—our export to these countries. I think this will be much better for India and she will certainly prosper more by being a free trader than by the principle of protection which has been so unwisely applied by the Government of India during the last year. Sir, we are in favour of protection on articles which we need, but not in the way in which the Government of India are putting it. We must consider the method of protection by some other ways, and I believe that better methods are available.

With these words, Sir, I move the Resolution.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly recommends to the Governor General in Council to take immediate steps for revising their present taxation policy."

There are several amendments to this Resolution, and one of them stands in the name of Sardar Mangal Singh. Before he moves his amendment, the Chair would like to ask him how his amendment "that at the end of the Resolution, the following be added: 'with a view to assess land revenue on the basis of income-tax'" is in order, as the Chair understands that the assessment of land revenue is a provincial subject. The Chair would like to know how he can justify his adding that portion at the end of the Resolution.

Sardar Mangal Singh (East Punjab: Sikh): Sir, the amendment which stands in my name deals with the taxation policy from a broader point of view. If you do not include land revenue in this revision of taxation, then you practically leave out 80 per cent. of the population from the sphere of the inquiry which we are going to institute.

Mr. President (The Honourable Sir Abdur Rahim): The Chair only wants to know what the Honourable Member has got to say regarding the question whether it is in order.

Sardar Mangal Singh: Land revenue is no doubt a provincial subject, but this amendment deals with it from a broader point of view. There are some areas which are administered by the Central Government also, and, in those areas, it is the Central Government which is concerned. I think that my amendment is quite in order and I should be allowed to move it.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadian Rural): May I also, Sir, add a few words to clarify the position? Although land revenue is a provincial subject, it is a provincial subject in the meaning that the revenue derived from the sources of land revenue is devoted to provincial expenditure. We have got a centrally administered Government in India. The policy of land revenue, the policy of settlement and the policy of taxation are all decided by the Government of India. Therefore, in this Resolution, when we are discussing the policy of the taxation of the Government of India, land revenue can appropriately be included in it.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I submit that my Honourable friend's rather dexterous attempt to throw responsibility for land revenue upon the Government of India is not justified by the present constitutional position. The pitch of assessment and the incidence of land revenue are matters which are now primarily within the competence of Local Governments. It is perfectly true that land revenue is imposed in Central Administered Areas, but if my Honourable friend wishes to touch upon that, he must limit his speech to land revenue within the Centrally Administered Areas only.

Mr. N. M. Joshi (Nominated Non-Official): May I give one more reason, Sir? Land Revenue in the provinces is a reserved subject, and, to that extent, it is under the control and supervision of the Government of India. I think the Government of India cannot escape their responsibility for the land revenue policy.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think that this amendment, so far as it includes the general question of assessment of land revenue, is in order, because it is a provincial subject. As regards the second point that Government have powers of superintendence and control, that applies practically to all activities of Local Governments, and the Chair does not think that that is a good ground to make an exception in a case of this nature. The Chair would, therefore, like to know from the Honourable Member, Sardar Mangal Singh, in whose name the amendment stands, whether he is prepared to confine

[Mr. President.]

his amendment to the assessment of land revenue in the Centrally Administered Areas.

Sardar Mangal Singh: Yes, Sir. In obedience to your ruling, I shall do so, because, if land revenue is assessed on the principles suggested by me in the Centrally Administered Areas, then I will be able to persuade the Local Government of my province to adopt the same principles there.

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member can move his amendment.

Sardar Mangal Singh: Sir, I beg to move:

"That at the end of the Resolution, the following be added:

'with a view to assess land revenue in the Centrally Administered Areas on the basis of income-tax'."

My amendment, Sir, at the very outset, seems to be a revolutionary proposal. But if we look into the matter carefully, we find that land revenue which is assessed in the Centrally Administered Areas is based on a very wrong and unjust principle. (Laughter.) I am afraid I must confine myself only to the Centrally Administered Areas. The principle of taxation is that it must be levied according to the capacity of the man from whom it is to be realised. The second principle is that it must be graded according to the income which he is earning.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Land revenue is fixed according to crops, such as rice, wheat or sugarcane, not on the income of the man.

Sardar Mangal Singh: Land revenue should be assessed on the ground as to how much income a man gets from his land. While assessing income-tax, we leave a certain margin at present—even under the cuts regime,—we leave, say Rs. 1,000 income per annum. But in the case of land, we do not leave any margin whatsoever. A man having one acre is taxed on the same principles and on the same scale as a man having 20,000 acres. This is a wrong principle. In other countries, for instance, in Russia, about 40 per cent. of the peasants are tax-free. Even in England, which is ruling us and whose institutions and principles of administration we are copying, we do not find land revenue to be assessed on the same principle as we have got here in India. There land revenue is a tax, but in this country, land revenue is a rent. This is a very old controversy into which I do not want to go. Suffice it to say, that in old days, this land revenue was assessed on the presumption that Government are the owner of the land and the cultivator is only a tenant. That theory has now been exploded. Nobody even from the Treasury Benches would stand up and say that Government are the owner of the land. If that point is contended, I hope other speakers will refute that argument. While revising our taxation policy, we omit land revenue from our enquiry, we do not go into the real question at all. We all admit that India is a great agricultural country, and, in these days, even those leaders who never thought of the masses are now going to the villages to uplift them.

If we leave my amendment out of this Resolution, then we will be only touching the fringe of the question. We will not go sufficiently far to remove the poverty of the agricultural masses. Sir, our country is now suffering from starvation. Poverty is grinding our masses. The principal reason is that the masses are heavily and unjustly taxed. When we come to New Delhi, we see the splendour of its buildings, the neatness of its roads and a lot of other most attractive things. But if we go to the outskirts of Delhi, a few miles into the interior, just as we went the other day to see the army manœuvres, we see with our own eyes how wretched and poor the people are. I, therefore, submit that the House should accept my amendment and include my amendment while revising the taxation policy and land revenue in the Centrally Administered Areas should be included in the enquiry. In that enquiry we should include that land revenue should be assessed on the basis of income-tax and not on the basis of rent.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That at the end of the Resolution, the following be added:

'with a view to assess land revenue in the Centrally Administered Areas on the basis of income-tax'."

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 12th February, 1935.

LEGISLATIVE ASSEMBLY.

Tuesday, 12th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

TRAINING IN FIRST-AID TO RAILWAY GUARDS.

139. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state whether it is a fact that training in first-aid makes Railway guards very useful at the time of accidents?

(b) If so, are arrangements being made by Railway authorities for giving this training to all candidates qualifying themselves as Railway guards in future?

Mr. P. R. Rau: (a) Yes.

(b) So far as I am aware, qualification in "First Aid" are obligatory for guards on all State Railways and arrangements for their training are already in existence.

Munshi Iswar Saran: What about the Company-managed Railways?

Mr. P. R. Rau: I think it is obligatory in Company-managed Railways too.

COMPLAINTS OF CORRUPTION AGAINST THE GOODS CLERKS OF RAILWAYS.

140. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Are Government aware that there is a general complaint of corruption against the Goods clerks of various Railways?

(b) If the reply to part (a) be in the affirmative, what steps are being taken to stop this evil?

Mr. P. R. Rau: (a) Occasional complaints have been brought to the notice of Government, but they cannot say that they are aware of any general complaint.

(b) Individual cases which are brought to notice are investigated and suitable action taken by the Railway administration.

Mr. Ram Narayan Singh: Are Government going to make any inquiries about this?

Mr. P. R. Rau: Any individual case which is brought to notice is inquired into.

Dr. Ziauddin Ahmad: Will the inquiry be made through the C. I. D. or through the railway officials?

Mr. P. R. Rau: Through the railway officials.

Dr. Ziauddin Ahmad: Then I am afraid you will not get any result out of it.

Mr. P. R. Rau: That is my Honourable friend's opinion.

CONCESSION TO PILGRIMS VISITING PLACES OF PILGRIMAGE AND INTRODUCTION OF WEEK-END TICKET SYSTEM ON THE NORTH WESTERN RAILWAY.

141. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Are Government prepared to give Railway-fare concessions, similar to Christmas and Easter concessions, to pilgrims visiting important places of pilgrimage, and to announce such concessions to the public by means of suitable posters?

(b) Are Government prepared to introduce the week-end cheap ticket system on the North Western Railway?

Mr. P. R. Rau: (a) It is not practicable to restrict concessions to pilgrims, and any concession allowed for places of pilgrimage must apply to all persons travelling to such places. The question whether concessions to individual places of pilgrimage should be granted is a matter which Railway Administrations have constantly under consideration from the point of view of its possible results in the direction of increasing revenues. Railway invariably give publicity to such concessions by advertising in the Press and issuing notices at stations and so on.

(b) I am bringing the Honourable Member's question to the notice of the Agent, North Western Railway, for consideration.

Sardar Sant Singh: Is the Honourable Member aware that there were week-end cheap tickets on the North Western Railway before?

Mr. P. R. Rau: When?

Sardar Sant Singh: I think it was in the year 1929-30.

Mr. P. R. Rau: My Honourable friend is aware of it, I presume I am not.

Mr. Ram Narayan Singh: Is the Honourable Member going to try to know it?

Mr. P. R. Rau: I have been informed by my Honourable friend of it, and there is no question of my further trying to know it.

Dr. Ziauddin Ahmad: Is it not a fact that these cheap tickets exist on the East Indian Railway, and they will probably be able to tell better what is the effect on the revenue?

Mr. P. R. Rau: I do not know whether cheap week-end return tickets are issued as a general rule on the East Indian Railway, but I know on certain Railways they are issued between certain stations.

Dr. Ziauddin Ahmad: I know they issue these tickets, because we buy them and you don't.

Mr. S. Satyamurti: Apart from increase of revenue, will Government be pleased to consider the issue of concession tickets to places of pilgrimage, in cases where there is no loss of revenue to be apprehended?

Mr. P. R. Rau: When we talk of increase of revenue, we include cases where no loss of revenue is apprehended.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that on the Madras and Southern Mahratta Railway, during the last Christmas, concession tickets were issued on ten rupee basis over certain sections and classed as "A", "B" and "C"?

Mr. P. R. Rau: Yes, Sir.

Mr. M. Ananthasayanam Ayyangar: Did it not increase the revenue during the period?

Mr. P. R. Rau: I believe there was an increase during the period, but I am not aware whether this decreased the revenue for later periods.

INCONVENIENT TIMINGS OF NIGHT TRAINS LEAVING ROHTAK AND JIND FOR LAHORE.

142. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Are Government aware that the timings of night trains leaving Rohtak and Jind for Lahore are very inconvenient?

(b) Are Government also aware that a representation on the subject was made by respectable people of Rohtak, which was recommended by the Deputy Commissioner of Rohtak, and that no heed was paid to that representation?

(c) Are Government prepared to accede to the request made in that representation and change the timings of the trains?

Mr. P. R. Rau: (a) From the latest time tables, it appears that a train leaving Rohtak at 19-44 and Jind at 21-52 arrives at Lahore at 12-50 the following day. Another train leaves Rohtak at 23-11, and Jind at 0-33 and arrives at Lahore at 8-10.

(b) Government have no information.

(c) I am sending a copy of the Honourable Member's question to the Agent, North Western Railway, for such action as he may consider feasible.

POSTAL CASH CERTIFICATES UNCASHED BY DEPOSITORS OR THEIR LEGAL REPRESENTATIVES.

143. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state the number of Postal Cash Certificates uncashed by depositors, or their legal representatives, by the 31st March, 1934, even 12 years after their issue?

(b) If there are any such Postal Cash Certificates, do the Postal authorities propose to have the application forms of Postal Cash Certificates so modified that depositors be made in future to declare expressly the names of their heirs or persons to whom they desire their money to be given in the event of their death?

Mr. A. J. Raisman: I would invite the attention of the Honourable Member to the reply given on the 6th of August, 1934, to question No. 402 asked by Bhai Parma Nand.

LEARNING OF HINDI BY THE PUNJAB POSTAL EMPLOYEES.

144. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state whether it is a fact that in the Punjab Post Offices Postal employees are being made to pick up Hindi for facilitating the speedy distribution of letters addressed in that language?

(b) If so, when is the scheme likely to be completed?

The Honourable Sir Frank Noyce: (a) The reply is in the negative. Government have no reason to believe that letters addressed in Hindi are not being speedily distributed in the Punjab.

(b) Does not arise.

NON-ACCEPTANCE OF PROFESSIONAL MONEY-LENDERS AS SURETIES FOR POSTAL EMPLOYEES IN THE AMBALA DIVISION.

145. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Are Government aware that the Superintendent of Post Offices of Ambala Division under orders from the Postmaster General, Punjab, has refused to accept professional money-lenders as sureties for Post Office employees?

(b) Are there any special reasons for disqualifying money-lenders from standing sureties for Post Office employees? If not, are Government prepared to remove this disqualification by issuing instructions to the Postmaster General, Punjab?

The Honourable Sir Frank Noyce: (a) The facts are not exactly as stated by the Honourable Member. No special orders have been issued by the Postmaster General, Punjab, to the Superintendent of Post Offices of the Ambala or any other Division. The existing departmental rules, on the subject of persons whose security is inadmissible, lay down that the security of professional money-lenders should on no account be allowed.

(b) The rule prohibiting the acceptance of professional money-lenders as sureties for post office employees has been in existence since 1885 and was made in the interests of the post office employees in order to save them from paying a high monthly charge to professional money-lenders for their services. The prohibition was not intended in any way as a reflection on the solvency of professional money-lenders. As there are sufficient alternative methods open to the post office employees for giving security, Government are not prepared to modify the existing rule on the subject.

INDIANS APPOINTED AS POLITICAL AGENTS OR RESIDENTS IN INDIAN STATES.

146. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): Will Government be pleased to state the number of Indians appointed as Political Agents or Residents in Indian States having direct connection with the Central Government, during the last five years, respectively?

Mr. H. A. F. Metcalfe: None. So far there has been no Indian officer in the Political Department of requisite seniority and experience, except one, who has been employed as Administrator, since 1932.

Mr. S. Satyamurti: Is the fact, that no Indians have been appointed, due to any policy on the part of Government, that only Europeans should be so appointed?

Mr. H. A. F. Metcalfe: No, Sir; there is no policy of that kind. It is a fact that so far it has not been possible to appoint an Indian as Political Agent in the States, but that is no reason why, as soon as Indians are available in the Department with the requisite experience and seniority, they should not be appointed.

Mr. S. Satyamurti: Is seniority the only claim taken into consideration by Government in making these appointments?

Mr. H. A. F. Metcalfe: Certainly not.

Mr. S. Satyamurti: Have any Indian seniors been overlooked in favour of European juniors in these matters?

Mr. H. A. F. Metcalfe: No, Sir, I should think probably not; but I could not say absolutely off-hand. But the point is that there are not at present Indians of sufficient experience and seniority to be given independent charges in Indian States. There have been cases in the Frontier and in Baluchistan where Indians have been appointed to independent charges, and, at present, two out of the five districts in the North-West Frontier Province are held by Indians.

Mr. S. Satyamurti: May I know what is the experience which is taken into account? Is it experience of Indian States themselves or experience of the Foreign and Political Department?

Mr. H. A. F. Metcalfe: In the case of States, it would be experience in States.

Mr. S. Satyamurti: May I know if no Europeans have been appointed who have not had more experience than the Indians in the Department?

Mr. H. A. F. Metcalfe: That is a much too complicated question for me to attempt to answer.

Mr. S. Satyamurti: May I know if Government are pursuing a policy of sending only Europeans, in view of the coming Federation?

Mr. H. A. F. Metcalfe: I have already answered that question in the negative: I can only answer it again in the negative.

Mr. Ram Narayan Singh: Is it not a fact that Government have not got the courage to speak the truth as to why they are doing this?

Mr. President (The Honourable Sir Abdur Rahim): Order, order: that question cannot be allowed: the Honourable Member knows it.

Mr. M. Ananthasayanam Ayyangar: May I know what is the requisite experience to be acquired in British India before a person is appointed for the first time in a State?

Mr. H. A. F. Metcalfe: That is a perfectly impossible question to answer. All factors come in.

Mr. M. Ananthasayanam Ayyangar: Of what particular department of State is a knowledge necessary before a man is entitled to be taken in the Political Department?

Mr. H. A. F. Metcalfe: I would point out that a political agency is not a branch of the administration nor is it an administrative appointment.

Mr. M. Ananthasayanam Ayyangar: Has there been no Indian at all competent to fill such a place?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member has fully answered that question.

DELAPIDATED CONDITION OF AN OLD MOGHUL BUILDING AT BURIA IN THE AMBALA DISTRICT.

147. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state whether there is situated at Buria, Ambala District, an old Moghul building called *Rang Mahal* in a delapidated condition for want of repairs?

(b) If so, are Government prepared to have this remnant of old times included in the list of Protected Monuments?

Mr. G. S. Bajpai: (a) and (b). Government have no information regarding this monument, but are making enquiries. If the monument is found to possess sufficient historical interest the question of taking action under the Ancient Monuments Preservation Act, with a view to its protection, will be considered.

ADVERTISEMENTS OF MEDICINES PREPARED BY QUACKS.

148. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Will Government be pleased to state whether it is a fact that printed advertisements of medicines prepared by quacks are often seen posted in prominent places not only in towns but also in small villages?

(b) Are Government aware that these advertisements often mislead simple village people, who endanger their health by taking these medicines?

(c) Are Government prepared to stop this evil by prohibiting such advertisements in newspapers or through posters in towns and villages?

Mr. G. S. Bajpai: (a) Government have no direct information, but are prepared to accept the Honourable Member's statement.

(b) Government recognise the possibility of this.

(c) The matter is already under the consideration of Government in connection with the report of the Drugs Enquiry Committee.

Mr. S. Satyamurti: When do Government hope to take any action, with reference to the answer to clause (c) of the question?

Mr. G. S. Bajpai: We shall have to legislate in regard to this matter: I do not think we shall be ready this Session anyhow.

COLOURING OF VEGETABLE GHEE.

149. ***Mr. Ram Narayan Singh** (on behalf of Mr. Sham Lal): (a) Is it a fact that Government once proposed to make a rule that vegetable ghee should be coloured in order to distinguish it from other ghee?

(b) Are Government aware that in Bombay and Lyallpore, colourless vegetable ghee is being manufactured, sold like any other ghee, and great fraud is being practised upon innocent purchasers?

(c) Do Government propose to make a rule that vegetable ghee should have a distinctive colour?

Mr. G. S. Bajpai: (a) and (c). The Government of India considered this suggestion in consultation with Local Governments. They came to the conclusion that any measure taken for insisting on a special colouring of vegetable products would be of doubtful utility, and that the regulation of the sale of ghee, so as to ensure that the public were not deceived as to the nature of the article offered for sale, should be effected by means of local or municipal bye-laws framed under provincial statutes.

(b) Government understand that vegetable ghee is manufactured in the Punjab and the Presidency of Bombay. They have no further information.

Mr. M. Ananthasayanam Ayyangar: Will Government consider the question of insisting upon some particular labels to be put on such articles?

Mr. G. S. Bajpai: That is a point which, I believe, has actually been legislated for in the Punjab, and it is open to the other Local Governments to do likewise if they wish to.

Mr. S. Satyamurti: Are Government aware that it is very difficult in Delhi to get good ghee?

Mr. G. S. Bajpai: I believe that my Honourable friend's opinion as regards that is correct.

Mr. B. Das: Are Government aware that hydrogenated fish oil and whale oil are being used as adulterants of vegetable *ghee* and ordinary *ghee*?

Mr. G. S. Bajpai: I believe that that does happen; but it is an evil which can be dealt with under the Adulteration of Foods Act which is in force in this province also.

Dr. Ziauddin Ahmad: Is it not the duty of the Government to give some help to ignorant poor people in some manner so that vegetable *ghee* is not passed off as *ghee*? What steps do Government propose to take in regard to that?

Mr. G. S. Bajpai: As I have already stated, the question of using some definite colouring matter to mark off vegetable *ghee* from ordinary *ghee* has been considered and found unworkable. The other suggestion is, as I say, for the regulation of sales: you can have inspections: you can insist upon these people who sell vegetable *ghee* to be licensed for the purpose: there are different ways of dealing with it.

Dr. Ziauddin Ahmad: Are Government contemplating to apply any method by means of which the poor people may know exactly what material they are purchasing?

Mr. G. S. Bajpai: I have already informed the House that Government have considered the subject.

Dr. T. S. S. Rajan: Are Government aware that large quantities of Python's fat are being used for adulterating *ghee*?

Mr. G. S. Bajpai: That is an item of information which is new to me: I was not aware of that before.

Mr. S. Satyamurti: Will the Central Government take any steps with regard to Delhi Province in this matter?

Mr. G. S. Bajpai: I was not aware that action was not already being taken: but I shall send a copy of these questions and answers to the Local Administration to see whether they can do anything further.

PROVISION OF ESSENTIAL SERVICES IN KAROL BAGH, ETC., DELHI.

150. ***Mr. M. Asaf Ali:** (a) Is it a fact that Government owns large estates, covering about 17 lakh square yards, within the old Delhi Municipality?

(b) Is it also a fact that Government have not provided these estates with even essential services?

(c) Are Government aware that the Western Extension Area of Old Delhi, i.e., Karol Bagh which is their estate, has been in a deplorable condition for many years for want of essential services? If so, what steps do Government propose to take to improve that area and remove the grievances of their lessees?

Mr. G. S. Bajpai: (a) The total area is 4,685,289 square yards of which 1,684,929 square yards have been leased.

(b) In Karol Bagh, Paharganj and Daryaganj stand pipes, electricity and metalled main roads are available. In Sadar Bazar, Burn Bastion and Garstin Bastion, essential services have been supplied. In the remaining areas they have not yet been provided.

(c) In Karol Bagh itself water and electricity are available and the main roads have been metalled. With the concurrence of the Standing Finance Committee Government have decided to spend upto Rs. 10 lakhs on the improvement of the supply of basic services in the area known as the Western Extension.

Mr. M. Asaf Ali: When is this improvement likely to be effected?

Mr. G. S. Bajpai: The money has already been provided, and I hope it will be possible to complete the improvements shortly.

Dr. Ziauddin Ahmad: Is Karol Bagh included in the Old Delhi Municipality or the New Delhi Municipality?

Mr. G. S. Bajpai: Karol Bagh is within the jurisdiction of the Old Delhi Municipality.

Dr. Ziauddin Ahmad: Are Government giving sufficient funds to carry on efficiently the new work in Karol Bagh?

Mr. G. S. Bajpai: This estimate of ten lakhs has been based upon materials supplied by the Local Administration: so I suppose it is adequate for their requirements.

NUZUL LAND WITHIN THE DELHI MUNICIPALITY LYING UNDEVELOPED.

151. ***Mr. M. Asaf Ali:** Is it a fact that some 25 lakhs of square yards of Nuzul land within the Old Delhi Municipality, is lying undeveloped? If so, why is not this area made available for residential buildings to relieve congestion?

Mr. G. S. Bajpai: The unleased area is about 3,000,000 square yards of which only some 500,000 square yards are level. Lay-outs are under preparation by the Local Administration. Land will be offered on lease when the lay-outs have been approved and provision can be made for installing the necessary roads, drainage, water supply and lighting.

RENT OF NUZUL LAND WITHIN THE DELHI MUNICIPALITY.

152. ***Mr. M. Asaf Ali:** (a) Will Government please state how much they have realised in rents of Nuzul land within the Old Delhi Municipality, since they withdrew their management from the Delhi Municipality?

(b) How do these figures compare with the figures relating to an equal period immediately preceding the resumption of management by Government?

Mr. G. S. Bajpai: A statement is laid on the table of the House.

Statement regarding the amount realised in Rent from Nuzul Land within the Delhi Municipality.

	Rs.
(a) Amount realised by Government in rents of Nuzul land within the Delhi Municipality since management was resumed by Government	6,47,153
(b) Amount realised from the same source by the Municipality during an equal period immediately prior to resumption	4,91,450

PROCEEDS FROM SALE OF NUZUL LANDS AND RENTS IN DELHI.

153. ***Mr. M. Asaf Ali:** (a) Is it a fact that Nuzul land in other Provinces is generally intended for the benefit of the provinces concerned, and proceeds from sale of such lands, and rents in excess of the actual expenditure incurred by Government in developing such lands are credited to provincial revenues?

(b) If so, will Government please state why the proceeds from sale of Nuzul lands and rents in Delhi are not given to the Delhi Province?

Mr. G. S. Bajpai: (a) and (b). The Honourable Member possibly has in mind the practice in the Central Provinces and the United Provinces where a proportion of the Nuzul rents collected by Government is assigned to local bodies. I gather from reports in the Press that a proposal for adoption of arrangements of a similar nature in the Delhi Province is before the Delhi Municipal Committee. If that is so, Government of India will give careful consideration to any recommendations on the subject, which may be made to them by the local authorities.

HANDING OVER OF TIS HAZARI MAIDAN TO THE DELHI MUNICIPALITY TO RELIEVE CONGESTION.

154. ***Mr. M. Asaf Ali:** Is it a fact that the entire area known as *Tis Hazari Maidan* with adjacent lands within the Delhi Notified Area Committee has lain vacant for over half a century? If so, will Government please state why it has not been handed over to the Old Delhi Municipality for relief of congestion?

Mr. G. S. Bajpai: No exact information is available as to how long the area has been lying vacant, but it has been the policy of Government, for a considerable time, to preserve intact the *Tis Hazari Maidan* as play and recreation grounds for the public.

Mr. M. Asaf Ali: There are many recreation grounds round about this place: cannot this area be handed over to the Delhi Municipality for building purposes?

Mr. G. S. Bajpai: We have gone into that matter very carefully and come to the conclusion that, so far as the *Tis Hazari Maidan* itself is concerned, it would not be in the interests of public health to hand that area over to the municipality for building purposes, but the larger question of utilising nuzul lands for relieving the congestion in Old Delhi is receiving consideration.

SCHEME OF REDISTRIBUTION OF THE PUNJAB, THE UNITED PROVINCES AND THE DELHI PROVINCE.

155. ***Mr. M. Asaf Ali:** (a) Has Government's attention been drawn to a scheme of redistribution of the Punjab, the United Provinces and the Delhi Province so as to create a new but self-sufficient Province covering the Ambala Division (Punjab), Delhi Province (excluding New Delhi) and the Meerut, Agra, and Rohilkhand Divisions (excluding Pilibhit), which was put forward by a conference in 1928 held in Delhi?

(b) Are Government aware that the population of these areas is bound by cultural, linguistic, economic and natural ties?

(c) Are Government aware that the proposed redistribution would mean the reunion of Jats and allied races, now scattered in three Provinces, and simplify administrative complications?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) Government are aware that there are certain natural affinities among certain sections of the population of these areas.

(c) Government are aware that there are Jats in all the areas mentioned in the Honourable Member's question but whether the inclusion of these areas in a single province would simplify administrative arrangements must remain a matter of opinion.

Mr. M. Asaf Ali: Are Government prepared to consider this redistribution of the various provinces and the creation of a new province?

The Honourable Sir Nripendra Sircar: Government see no reason for considering this matter just at the present moment.

Sardar Sant Singh: Are Government aware that a similar scheme, though on different lines, for the redistribution of the Punjab was put forward by the Sikhs in the Punjab in order to do away with the difficulty of distribution of seats between the three communities, namely, Hindus, Muslims and Sikhs, so much so that it was suggested that the Chenab should form the boundary line for the Punjab and that the outlying districts of the Chenab should go to the North-West Frontier Province?

The Honourable Sir Nripendra Sircar: I have no information at present about it, as I did not think that this question would arise out of the question put by Mr. Asaf Ali.

Dr. Ziauddin Ahmad: Will Government be pleased to give an opportunity to the Government and the people of the United Provinces and the Punjab to express their view before they take action on the redistribution of provinces?

The Honourable Sir Nripendra Sircar: Will the Honourable Member kindly repeat his question?

Dr. Ziauddin Ahmad: Will Government give an opportunity to the Government and the people of the United Provinces and of the Punjab to express their opinion before any action is taken on the redistribution of the provinces as contemplated in this question?

The Honourable Sir Nripendra Sircar: It is always open to them to make any representation they think worth making.

Sardar Sant Singh: Are Government prepared to take into consideration the question of the redistribution of the Punjab?

The Honourable Sir Nripendra Sircar: I submit, Sir, that question does not arise as a supplementary question to the question put by Mr. Asaf Ali.

Mr. M. Ananthasayanam Ayyangar: Is there any proposal before the Government of India for the redistribution of all the provinces of India on a linguistic basis?

The Honourable Sir Nripendra Sircar: I am not prepared to answer that question unless notice is given.

DIFFERENCE IN PAY OF THE PERSONNEL OFFICERS ON THE SOUTH INDIAN AND THE MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

156. ***Mr. V. V. Giri:** (a) Will Government be pleased to state whether it is a fact that the Personnel Officer on the South Indian Railway is employed on the lower scale of pay, whereas on the Madras and Southern Mahratta Railway, the Personnel Officer is on a scale of pay carrying practically double the emoluments received by the corresponding officer on the South Indian Railway?

(b) Will Government be pleased to give full details of the different duties performed by the Personnel Officers on the above-mentioned two Railways to justify the difference in their scales of pay?

Mr. P. R. Pau: Full details of the reasons for sanctioning these posts are contained in a memorandum placed before the Standing Finance Committee for Railways on the 2nd February, 1934, which will be found on pages 17-19 of Volume X, No. 6, of their proceedings, to which I would refer my Honourable friend.

Mr. V. V. Giri: Is the Honourable Member aware that this Special Officer had no previous railway experience when he was appointed, and that he was recruited straight from the race-course?

Mr. P. R. Rau: I think, Sir, I answered certain questions on this subject in this House during the last two years. I believe the Honourable Member is referring to the Personnel Officer of the Madras and Southern Mahratta Railway. If so, I believe he had no special railway experience before he was appointed.

RETENTION OF A LARGE NUMBER OF PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

157. ***Mr. V. V. Giri:** Is it a fact that the Railway Retrenchment Sub-Committee recommended against the present large number of Personnel Officers on the North Western Railway, and if so, will Government be pleased to state what action they have taken on this recommendation?

Mr. P. R. Rau: The Committee expressed the opinion, that an organisation like that on the North Western Railway was unnecessarily extravagant. The question of personnel organisation on Indian State Railways was one of those referred to Mr. Pope, during his recent investigation and his opinion was different. The whole question is at present under consideration.

Mr. M. Ananthasayanam Ayyangar: May I know, Sir, what are the other recommendations of the Railway Retrenchment Sub-Committee which have been given effect to?

Mr. P. R. Rau: The action taken by the Government of India was explained in a memorandum which was placed before this House and which was circulated with the Budget, I think, in 1932.

RE-EMPLOYMENT OF RETRENCHED STAFF ON STATE RAILWAYS.

158. ***Mr. V. V. Giri:** (a) Will Government be pleased to state the number of persons who have been re-employed after retrenchment in 1931 on the different State-owned Railways in India, and the number of persons still on the waiting lists?

(b) Has the attention of Government been drawn to the fact that there has been recruitment of staff on various Railways, and if so, will Government be pleased to state the number of men who have been appointed newly without previous railway experience on different Indian State-owned Railways?

Mr. P. R. Rau: I have called for information and will lay a reply on the table of the House in due course.

Dr. Ziauddin Ahmad: May I draw the Honourable Member's attention to the last part (b) of this question in which it is asked: "and, if so, will Government be pleased to state the number of men who have been appointed newly without previous railway experience on different Indian State-owned Railways", I suppose it will apply to all the first appointments?

Mr. P. R. Rau: I think my friend wants to know whether people who are not on the waiting list have been appointed.

Prof. N. G. Ranga: May I know how soon the Honourable Member expects to get his reply?

Mr. P. R. Rau: I am not in a position to say that.

Mr. S. Satyamurti: May I know if the Government accept the policy of giving the first preference to all retrenched men in all fresh appointments?

Mr. P. R. Rau: Yes, Sir; orders have been issued to that effect.

Prof. N. G. Ranga: Is it not a fact that, in very many cases when promises have been held out that information would be called for and laid on the table, no information was actually laid on the table?

Mr. P. R. Rau: It is not a fact, Sir.

Dr. Ziauddin Ahmad: Is it a fact that the Railway Board have made a rule that no fresh men should be appointed unless they have some relative already working in the Railways?

Mr. P. R. Rau: I am not aware of any such rule.

RAILWAY CAPITAL EXPENDITURE AND ESTIMATED AMOUNT TO BE PAID TO RAILWAY LABOUR IN INDIA.

159. ***Mr. V. V. Giri:** Will Government be pleased to state exactly the amount of railway capital expenditure proposed to be incurred in 1935-36 and the amount of wages bill that is estimated to be paid to railway labour in India out of the proposed total expenditure on capital programme?

Mr. P. R. Rau: The programme as finally approved by the Standing Finance Committee for Railways, a few days ago, amounts to 15 crores.

As regards the second part of the question, I am endeavouring to obtain an estimate from the Railway Administrations and will lay a statement on the table in due course.

Mr. M. Ananthasayanam Ayyangar: What is the annual interest that will have to be paid on it, and how is it to be raised?

Mr. P. R. Rau: It is rather a complicated question, Sir. It is the average rate of interest at which Government are borrowing since 1916-17.

Mr. S. Satyamurti: How much of these 16 crores will be spent on materials purchased and manufactured in India, and how much on materials purchased and manufactured outside India?

Mr. P. R. Rau: Most of it, Sir, will be spent on materials purchased and manufactured in India, but if my Honourable friend wants accurate information, I shall be able to give it to him after enquiry.

Mr. S. Satyamurti: Do Government accept the policy that, as far as possible, this expenditure should be incurred on materials purchased or manufactured in India?

Mr. P. R. Rau: My Honourable friend might refer to the Stores Purchase Rules, a copy of which is in the Library of the House, but the Honourable Member's summary of that policy is more or less correct.

Mr. M. Ananthasayanam Ayyangar: What is the source from which they proposed to raise the 15 crores?

Mr. P. R. Rau: Source? By loans, Sir.

Prof. N. G. Ranga: Raised where?

(No answer.)

RE-EMPLOYMENT OF GREAT INDIAN PENINSULA RAILWAY STRIKERS.

160. ***Mr. V. V. Giri:** (a) Will Government be pleased to state the number of Great Indian Peninsula Railway *ex-strikers* of 1930, who are still in the first and second waiting lists, respectively?

(b) Will Government be pleased to state the number of Great Indian Peninsula Railway *ex-strikers* who have been retrenched after re-employment?

(c) Will Government be pleased to state what progress has been secured in arranging inter-railway transfers for the re-employed Great Indian Peninsula Railway strikers, mentioned on page 59 of the proceedings of the third half-yearly meeting between the Railway Board and the All-India Railwaymen's Federation?

Mr. P. R. Rau: The information is being collected and will be placed on the table in due course.

STAFF COMMITTEES OF THE BURMA RAILWAYS.

161. ***Mr. V. V. Giri:** Is it a fact that there were no Staff Committees on the Burma Railways hitherto and that only recently after the constitution of Burma Railway Employees' Union, the Burma Railway Administration has started Staff Committees on that Railway?

Mr. P. R. Rau: Welfare Committees were introduced on the Burma Railways by the Agent, Burma Railways, some time about September, 1934. Government are not aware when the Union referred to was started.

Mr. V. V. Giri: Is the Honourable Member aware that the Royal Commission on Labour have made observations to the effect that generally these Staff Committees come into existence only when the Unions are constituted?

Mr. P. R. Rau: I am afraid, Sir, my knowledge of the Committee's recommendations is not as detailed as that of my Honourable friend.

Prof. N. G. Ranga: Is there any competition between the Staff Committees and the regular Unions on any particular Railway?

Mr. P. R. Rau: I am afraid I did not quite catch the point of the Honourable Member's question.

Prof. N. G. Ranga: Is there any competition in work between the Staff Committees appointed by the Railways and the regular Trade Unions?

Mr. P. R. Rau: If my friend means by competition the competition for increasing the welfare of the workers, I hope there is.

Prof. N. G. Ranga: Is any attempt being made by the Staff Committees to kill the activities of the Trade Unions?

Mr. P. R. Rau: I don't think so.

IMPORTATION OF XD CLASS LOCOMOTIVES BY THE SOUTH INDIAN RAILWAY.

162. ***Mr. V. V. Giri:** Will Government be pleased to state whether XD class locomotives were recently imported by South Indian Railway and if so, will Government be pleased to state the exact cost incurred in the purchase of these locomotives?

Mr. P. R. Rau: A contract has been let in England by the South Indian Railway for the supply, during 1934-35, of three XD class locomotives. The exact cost of these locomotives is not available yet. It is, however, estimated that the total cost of these locomotives, delivered in India, will amount to about Rs. 3,85,000.

Prof. N. G. Ranga: May I know, Sir, if any attempt has been made in this country to manufacture these locomotives?

Mr. P. R. Rau: There are no facilities for the manufacture of locomotives in India at the present moment.

Prof. N. G. Ranga: Is the Honourable Member aware that at one time an attempt was made in Ajmer Workshops to manufacture these locomotives and one or two,—I am not quite sure about the number,—but some locomotives were constructed there?

Mr. P. R. Rau: Metre Gauge locomotives are even now constructed at Ajmer, but the question refers to Broad Gauge locomotives.

An Honourable Member: Is it not a fact that the Pope Committee recommended that no more locomotives should be imported?

Mr. V. V. Giri: Will Government be pleased to state whether there are already surplus locomotives on the Railways and whether there is no necessity for purchase of more locomotives?

Mr. P. R. Rau: These locomotives were required for the Shoranur-Cochin Railway which was recently converted to Broad Gauge.

Prof. N. G. Ranga: Does the Honourable Member contend that there is no workshop in India which is capable of manufacturing these locomotives?

Mr. P. R. Rau: Yes, Sir; that is my contention.

Prof. N. G. Ranga: Will Government be prepared to consider the possibility of making the necessary arrangements for manufacturing these locomotives?

Mr. P. R. Rau: If my Honourable friend has any scheme in view, I am quite prepared to consider it.

Mr. S. Satyamurti: Will the Honourable Member answer the question, a little more seriously? Have Government considered any scheme for manufacturing these locomotives in India? Will they consult their own experts in the matter, and place their reports before this House?

Mr. P. R. Rau: Does my friend suggest that Government should undertake the manufacture of these locomotives in India?

Mr. S. Satyamurti: I suggest, Sir, that Government should take expert advice from their own experts, and consider the possibility of manufacturing these locomotives in India. And may I ask the Government if they will take any steps in the matter at all?

Mr. P. R. Rau: Sir, in the last Session of the Assembly, or in February last, it was stated by the Honourable the Railway Member that Government were undertaking an investigation as to the possibility of railways starting the manufacture of locomotives for themselves. The investigation is unfortunately not yet complete.

Mr. S. Satyamurti: At what stage is the investigation, and when do Government expect to complete the investigation?

Mr. P. R. Rau: A report has been received from the officer who was placed on special duty for the purpose, and that is being considered by the Railway Board.

Mr. S. Satyamurti: In view of the fact that some crores of rupees are going out of the country on this matter, will Government expedite the manufacture of locomotives in this country?

Mr. P. R. Rau: Government will expedite consideration of the report, but I cannot promise that they will expedite the construction of locomotives.

Mr. S. Satyamurti: Is it impossible?

Mr. P. R. Rau: It is not impossible, it is a question of cost.

Mr. M. Ananthasayanam Ayyangar: What is the comparative cost of these engines that have been brought out from England and the cost price of those engines in Germany and other places?

Mr. P. R. Rau: That, I am afraid, is a hypothetical question.

Mr. M. Ananthasayanam Ayyangar: As regards the cost of these engines which have been imported, have Government investigated as to at what price those very engines sell in Germany or any other place where such locomotives are manufactured?

Mr. P. R. Rau: So far as I am aware, the contract must have been placed after calling for tenders, but since this question relates to a Company-managed Railway, I cannot say definitely.

Prof. N. G. Ranga: As regards the locomotives the manufacture of which has been possible in this country, will the Honourable Member inform the House as to how many of such locomotives are being manufactured in this country and how many of that type are being imported from abroad?

Mr. P. R. Rau: I am afraid I must have notice of that question.

Mr. President (The Honourable Sir Abdur Rahim). It is not possible for any Honourable Member to remember all those details.

LEAVE RESERVE FOR EACH CATEGORY OF EMPLOYMENT ON STATE RAILWAYS.

163. ***Mr. V. V. Giri:** Will Government be pleased to state the exact percentage of leave reserves for each category of employment sanctioned on each State-owned Railway?

Mr. P. R. Rau: I have called for the information required and will lay a reply on the table of the House in due course.

ABSENCE OF RULES REGULATING LEAVE RESERVE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

164. ***Mr. V. V. Giri:** Are Government aware that on the Bombay, Baroda and Central India Railway, the Administration informed the Union that no Rules regulating leave reserves have so far been promulgated on that Railway?

Mr. P. R. Rau: Government understand, from the Agent, Bombay, Baroda and Central India Railway, that the Employees Union wished to be informed of the rules in force with regard to leave reserves of all categories of workers and were informed that no such rules exist.

He has, however, added that relieving staff is of course sanctioned and exists where necessary.

Mr. V. V. Giri: Have the Railway Board given any general instructions in the matter of leave reserves on the Railways?

Mr. P. R. Rau: I do not think that the Railway Board are in a position to issue instructions of that sort to Company-managed Railways.

Mr. V. V. Giri: But they have given instructions to State-managed Railways?

Mr. P. R. Rau: I should like to have notice of that question.

PUBLICATION OF THE ANNUAL ADMINISTRATION REPORT OF INDIAN RAILWAYS.

165. ***Mr. V. V. Giri:** (a) Will Government be pleased to state when they propose to publish the Annual Administration Report of Indian Railways for 1933-34?

(b) Do Government propose to make arrangements for the issue of the Annual Administration Reports for Indian Railways at least four weeks in advance of the Railway Budget discussions to facilitate careful study of the said Reports by the Members of this House?

Mr. P. R. Rau: (a) Volume I of the Annual Administration Report on Indian Railways for 1933-34 was published on the 10th January and Volume II on the 24th January, 1935.

(b) Government realise the importance of publishing this report as early as possible and make every endeavour to do so.

Mr. M. Ananthasayanam Ayyangar: Will Government be pleased to circulate copies of these to all the Members of this House?

Mr. P. R. Rau: If any Honourable Member wishes to have a copy, he has only got to apply to me, and I will readily give him one.

Prof. N. G. Ranga: Will the Honourable Member consider the desirability of circulating copies of all these of his own accord among the Members of the House?

Mr. P. R. Rau: Government do not consider it necessary, but, if any Honourable Member is sufficiently interested in it, he has only to ask me for a copy.

Prof. N. G. Ranga: Since a perusal of this report is of the greatest importance and necessary for a proper consideration of the budget proposals to be placed before this House, does not the Honourable Member realise the unreasonableness of his reply?

Mr. President (The Honourable Sir Abdur Rahim): That question cannot be put.

Prof. N. G. Ranga: Or does he not realise the necessity of circulating those copies to the Members of this House? (Laughter.)

(No answer.)

PAYMENT OF LIFE ASSURANCE PREMIA FROM PROVIDENT FUND CONTRIBUTIONS BY THE BURMA RAILWAY STAFF.

166. ***Mr. V. V. Giri:** (a) Is it a fact that the Burma Railway Agent has recommended to the Government of India that under certain conditions, the railway staff might be permitted to make withdrawals from either provident fund assets or to use provident fund contributions to effect an insurance, but that no orders on the subject have yet been passed by Government?

(b) Will Government be pleased to state whether it is a fact that the Burma Indian Chamber of Commerce have represented to the Agent, Burma Railways, to permit railway employees to pay their life assurance premia from the provident fund contributions just as other employees of Government and semi-public bodies who are required to contribute to the Provident Fund?

(c) Will Government be pleased to state what action they propose to take in regard to the above representation?

Mr. P. R. Rau: (a) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(b) The Agent of the Burma Railways has not referred in any letter to any such representation.

(c) Government have informed the Agent, that in their opinion to allow subscribers to the State Railway Provident Fund to withdraw their contributions for insurance policies would not generally be in the interests of the staff, especially of the subordinate staff. The Provident Fund accumulations of the staff are often their sole savings, and there is serious danger of their losing them by taking up policies in unsound insurance companies. In the opinion of Government it would not be easy for the majority of the subordinate staff to distinguish between insurance companies managed on sound lines and others, and, consequently, it is desirable that they should be protected against the latter.

Mr. M. Ananthasayanam Ayyangar: Have Government any objection to set out a list of such insurance companies as in their opinion are financially sound and good?

Mr. P. R. Rau: No, Sir. They do not propose to issues such a list.

FULFILMENT OF THE CONDITIONS PRESCRIBED BY THE WASHINGTON HOURS AND GENEVA WEEKLY REST CONVENTIONS.

167. ***Mr. V. V. Giri** (a) Will Government be pleased to state whether it is a fact that in the Annual Report under Article 408, of the Treaty of Peace of Versailles, submitted by the Government of India to the International Labour Office, it has been stated that "the Government of India has not received from the organisation of employers or workers concerned, any observations regarding the practical fulfilment of the conditions prescribed by the Washington Hours, and Geneva Weekly Rest Conventions", and if so, will Government be pleased to state whether they are prepared to substantiate this statement?

(b) Will Government be pleased to lay on the table a copy of the full text of each of the Annual Reports submitted by the Government of India to the International Labour Office on the measures taken to give effect to the provisions of the Conventions to which India is a party, and will Government be pleased to lay a statement on the table regarding the action taken by them in regard to each recommendation and resolution adopted by various International Labour Conferences since 1919?

The Honourable Sir Frank Noyce: (a) The words in quotation marks in the Honourable Member's question do not appear in that form in any report sent by the Government of India. The actual statements on this subject contained in the last reports are laid on the table. The statements are correct. I have ascertained that in previous years references have been made to the subject of implementation of the Washington Hours Convention at meetings, between the Railway Board and the All-India Railwaymen's Federation but I do not think the discussions at these meetings, the minutes of which are not submitted to Government, can be regarded as observations of the kind contemplated in the reports to which the Honourable Member refers.

(b) I am afraid I cannot accede to the Honourable Member's first request. The bulk of the reports is such that the cost of their reproduction and printing would be entirely incommensurate with the results to be obtained, particularly as the reports would frequently be obscure without other documents and relate to matters on which information is generally

easily accessible elsewhere. I lay on the table the statement desired in respect of the Recommendations adopted by the International Labour Conference. No record has been maintained of action taken on the various Resolutions.

Extract from the Annual Reports for the Year ending the 30th September 1934, under Article 408 of the Treaty of Versailles.

(1) Draft Convention limiting hours of work in industrial undertakings to eight in the day and forty-eight in the week.

"The Government of India have not received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention. A complaint made by the Workers' Delegate to the 18th Session of the International Labour Conference regarding the application of the Indian Railways (Amendment) Act 1930 is now under examination."

(2) Draft Convention concerning the application of the weekly rest in industrial undertakings.

"The Government of India have not received from the organisations of employers or workers concerned any observations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention."

Statement showing the Recommendations adopted by the International Labour Conference since 1919, and the action taken on them by the Government of India.

Session and year.	Serial No.	Brief title.	Action taken.
First, 1919.	1	Unemployment	In pursuance of a resolution adopted by the Indian Legislature in 1921 the Recommendation was examined in consultation with Local Governments. It was found that in the conditions then obtaining in India no action was necessary.
	2	Reciprocity of Treatment.	No action has been considered necessary since legislation makes no distinction detrimental to foreign workers.
	3	Anthrax Prevention	In pursuance of a resolution adopted by the Indian Legislature in 1921 Government took steps to amend the Indian Factories Act, vide Section 38-A of the Act of 1911. Section 33 (4) of the Factories Act, 1934 now empowers the Governor General in Council to make rules for the protection of factory workers employed on an operation which exposes them to a serious risk of bodily injury, poisoning or disease.

Session and year.	Serial No.	Brief title.	Action taken.
First, 1919— <i>contd</i>	4	Lead Poisoning (Women and Children).	In pursuance of a resolution adopted by the Indian Legislature in 1921 the Indian Factories Act, 1911 was amended, <i>vide</i> Section 19B. Section 33 (4) of the Factories Act, 1934 now empowers the Governor General in Council to make rules for the protection of women and children employed in factories on any operation which exposes them to a serious risk of bodily injury, poisoning or disease.
	5	Labour Inspection (Health Services).	In pursuance of a resolution adopted by the Indian Legislature in 1921 the Recommendation was communicated to Local Governments with the recommendation that they should take steps to give effect to its provisions to the full extent possible.
	6	White Phosphorus.	The adherence of India to the Berne Convention of 1906 on the prohibition of the use of white phosphorus in matches was communicated in 1919.
Second, 1920	7	Hours of Work (Fishing).	The Indian Legislature resolved in 1921 that no action be taken.
	8	Hours of Work (Inland Navigation).	Ditto.
	9	National Seamen's Code.	Ditto.
	10	Unemployment Insurance (Seamen).	Ditto.
Third, 1921	11	Unemployment (Agriculture).	The Recommendation was passed on to Local Governments for such action as they might consider necessary.
	12	Childbirth (Agriculture).	The Indian Legislature resolved in 1923 that no action should be taken to secure its enforcement.
	13	Night Work of Women (Agriculture).	Ditto.
	14	Night Work of Children and Young Persons (Agriculture).	Ditto.
	15	Vocational Education (Agriculture).	See remarks against item 11.
	16	Living in Conditions (Agriculture).	See remarks against item 12.
	17	Social Insurance (Agriculture).	See remarks against item 12.
	18	Weekly rest (commerce)	In pursuance of a resolution of the Indian Legislature adopted in 1922 the recommendation was forwarded to Local Governments for any action which they might consider desirable.
Fourth, 1922	19	Migration Statistics	The Government of India supply the information required by Part I of the Recommendation so far as it is available.

Session and year.	Serial No.	Brief title.	Action taken.
Fifth, 1923	20	Labour Inspection.	The Recommendation, which conforms closely to the accepted principles of factory administration in India, was brought to the notice of Local Governments.
Sixth, 1924	21	Utilisation of Spare Time.	Forwarded to Local Governments for consideration.
	22	Workmen's Compensation (Minimum Scale).	Considered by the Indian Legislature in 1926. In 1928 the recommendation was brought to the notice of Local Governments in connection with the proposed revision of the Workmen's Compensation Act, 1923. The Act has since been revised.
	23	Workmen's Compensation (Jurisdiction).	Considered by the Indian Legislature in 1926. No action was recommended.
Seventh, 1925	24	Workmen's Compensation (Occupational Diseases).	Considered by the Indian Legislature. The Workmen's Compensation law in India conforms to the principles embodied in the Recommendation.
	25	Equality of Treatment (Accident Compensation).	Considered by the Indian Legislature. The Indian Workmen's Compensation law makes no discrimination against foreigners.
Eighth, 1926	26	Migration (Protection of Females at Sea).	The Indian Legislature adopted resolutions in September 1928 recommending acceptance of the Recommendation. The Indian Emigration Act, 1922 as amended by Act XXVII of 1927 gives power to the Governor General in Council to appoint qualified women to assist emigrant women and girls on board an emigrant ship when necessary.
Ninth, 1926	27	Repatriation (Ship Masters and Apprentices).	In September 1927 the Indian Legislature resolved that the acceptance of the Recommendation should be considered at a later date when the amendments necessary to bring the existing law into conformity with it had been further examined in consultation with the parties interested. This examination however, showed that an amendment of the Merchant Shipping Law was necessary; but further action has been deferred pending the amendment of the corresponding English law.

Session and year.	Serial No.	Brief title.	Action taken.
Ninth, 1926— <i>contd.</i>	28	Labour Inspection (Seamen).	Accepted subject to the explanation that the term "vessels flying the national flag" is understood as meaning "vessels registered in British India".
Tenth, 1927	29	Sickness Insurance.	The Indian Legislature resolved in 1928 that the Recommendation should not be accepted.
Eleventh, 1928	30	Minimum Wage-Fixing Machinery.	The Legislative Assembly adopted resolution in January 1930 that the recommendation should not be accepted pending the report of the Royal Commission on Labour. The Commission recommended that steps should be taken towards the setting-up of minimum wage-fixing machinery in the Assam plantations, if practicable and that a survey of conditions in other selected industries should be undertaken with a view to ascertain the need and the practicability of instituting such machinery. These recommendations have been forwarded to Local Governments for such action as they may consider necessary.
Twelfth, 1929	31	Prevention of Industrial Accidents.	The Indian Legislature resolved in 1930 that the Governor General should examine the possibility of giving effect to the Recommendation. After examining the Recommendation in consultation with the Local Governments, Government made statements in both Houses of the Legislature in October 1931 that as the report of the Royal Commission on Labour covered the same ground as the Recommendation, the Government of India proposed to proceed with the consideration of the latter simultaneously with the former and to give effect to it as far as may be practicable.
	32	Power Driven Machinery.	Placed before the Indian Legislature in March 1930. No action was recommended.

Session and year.	Serial No.	Brief title.	Action taken.
Twelfth 1929— <i>contd.</i>	33	Protection against Accidents (Dockers) Reciprocity.	These recommendations as well as the Draft Convention to which they were attached were placed before the Indian Legislature in 1930 in the form of a Resolution. Subsequently the International Labour Conference revised the Draft Convention and the recommendation concerning reciprocity. The question of ratifying the revised Draft Convention and accepting the recommendation concerning consultation of employers' and Workers' organisations adopted in 1929 and the revised recommendation concerning reciprocity adopted in 1932, were submitted to the Legislature in the shape of the Indian Dock Labourers Bill. That Bill has been passed into law (The Indian Dock Labourers Act, 1933) and steps will be taken in due course formally to ratify the Convention and accept the recommendations and to give effect to them.
	34	Protection against Accidents (Dockers) Consultation of Organisations.	Ditto.
	35	Forced Labour (Indirect Compulsion).	Considered by the Indian Legislature. Local Governments were asked in November, 1931, to take such action as may be necessary to give practical effect, whether by legislation or executive orders, to the views of the legislature.
Fourteenth, 1930	36	Forced Labour (Regulation).	Ditto.
	37	Hours of Work (Hotels, etc.).	The Indian Legislature resolved in 1931 that the Recommendation should not be accepted.
	38	Hours of Work (Theatres, etc.).	Ditto.
	39	Hours of Work (Hospitals, etc.).	Ditto.
	40	Protection against Accidents (Dockers) Reciprocity.	See remarks against item Nos. 33 and 34.
Sixteenth, 1932	41	Minimum Age (Non-Industrial Employment).	The Council of State resolved in December 1932 not to accept the Recommendation. An identical resolution was adopted by the Legislative Assembly in September, 1933.
	42	Employment Agencies.	The Indian Legislature resolved in 1933 not to accept the Recommendation.
Seventeenth, 1933	43	Invalidity, Old-Age and Survivors' Insurance.	Ditto.
Eighteenth, 1934	44	Unemployment Provision.	Under consideration.

Mr. V. V. Giri: Are not the Railway Board a branch of the Government of India, and a complaint by the Indian Railwaymen's Federation to the Railway Board a complaint to the Government of India?

The Honourable Sir Frank Noyce: No.

ARRANGEMENTS MADE FOR TRANSPORTING PILGRIMS FROM IRAQ TO HEDJAZ.

168. ***Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state whether any monopoly is granted for transporting pilgrims from Iraq to the Hedjaz, and if so, on what terms and to whom? Is it a fact that the motor transport charges fixed by the Company enjoying the monopoly are much higher as compared with other transportation companies who carry passengers to Damascus, Palestine and Suez?

Mr. H. A. F. Metcalfe: The Government of India have no definite information regarding the grant of a monopoly for running a motor transport service between Iraq and the Hedjaz. They have been informed that a joint Iraqi and Saudi Commission has been formed with a view to inspecting and organising pilgrim route from Najaf to Medina, but it is understood that no scale of charges has yet been fixed. Reports indicate that it is most improbable that any such route will be organised in time for pilgrims wishing to proceed by land for this year's pilgrimage.

Mr. Ahmed Ebrahim Haroon Jaffer: I am afraid I could not follow anything which the Honourable Member read out. May I request him to repeat his answer?

Mr. H. A. F. Metcalfe: Mr. President, if you are able to hear when I address you, I think it should be all right.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is sitting behind him (Mr. Metcalfe) and hence his difficulty.

Mr. Ahmed Ebrahim Haroon Jaffer: May I change my seat then, Sir?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks Government will not mind repeating the answer.

Mr. H. A. F. Metcalfe: I shall have no objection. But should I address you or the Honourable Member?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may address the Chair, but turn round and face the Honourable Member (Mr. Haroon Jaffer). (Laughter.)

Mr. H. A. F. Metcalfe: The Government of India have no definite information regarding the grant of a monopoly for running a motor transport service between Iraq and the Hedjaz. They have been informed that a joint Iraqi and Saudi Commission has been formed with a view to inspecting and organising pilgrim route from Najaf to Medina, but it is understood that no scale of charges has yet been fixed. Reports indicate that it is most improbable that any such route will be organised in time for pilgrims wishing to proceed by land for this year's pilgrimage.

Mr. Ahmed Ebrahim Haroon Jaffer: A supplementary question, Sir. Will the Government of India take any steps in the matter to see that the rates charged by the motor transport company are less than, or at least similar, to those charged by other companies which carry passengers to Damascus, Palestine and Suez?

Mr. H. A. F. Metcalfe: I may point out that it is somewhat difficult for the Government of India to take steps about a matter of this kind in two foreign countries.

Dr. Ziauddin Ahmad: Will the Government of India communicate to the authorities concerned that it is the wish of the pilgrims from India that those charges should be fixed in consultation with the Indian Government?

Mr. H. A. F. Metcalfe: It is impossible for the Government of India to ask that charges of this kind in a foreign country should be fixed in consultation with them. If any steps can be taken through His Majesty's representatives in those countries to ensure that the charges are not excessive, those steps will be taken.

Mr. Ahmed Ebrahim Haroon Jaffer: How are the interests of the Indian pilgrims to be safeguarded if the Government of India cannot do anything in the matter?

Mr. H. A. F. Metcalfe: I did not say that the Government of India could not do anything; I said they could not insist on being consulted. They will take any steps that may be possible through His Majesty's representatives in those countries.

DISPOSAL OF UNCLAIMED DEPOSITS BY PILGRIMS TO HEDJAZ.

169. ***Mr. Ahmed Ebrahim Haroon Jaffer:** (a) Will Government please state:

(i) the amount of deposits of Rs. 100 recovered from each pilgrim going to Hedjaz via Iraq during the years of 1929 to date; and

(ii) the amount of unclaimed deposits?

(b) How do the authorities dispose of the unclaimed deposits?

Mr. H. A. F. Metcalfe: (a) (i) In 1929, due to there being a delay on the part of the Iraq authorities in issuing regulations Indian pilgrims were not aware of the necessity for making a deposit. On their refusal to make this payment, the Iraq authorities agreed to accept, in its place, a surety of Rs. 100 given by the British Consul, on behalf of the Government of India, in each case. In all, 26 such sureties amounting to Rs. 10,900 were given for 109 pilgrims.

The Iraq regulations are only enforced for about three months during the actual Haj pilgrimage season, and are not, therefore, applicable to

those travelling out of season. The number of pilgrims who made deposits in subsequent years are as follows:

1930	1931	1932	1933
Rs.	Rs.	Rs.	Rs.
48	21	78	16

- (a) (ii) Nil.
(b) Does not arise.

DISPOSAL OF ESTATES OF PILGRIMS WHO DIE IN IRAQ.

170. *Mr. Ahmed Ebrahim Haroon Jaffer: (a) Will Government please state the total value of the estates of the pilgrims who died in Iraq from 1921 to 1933 and whose heirs could not be traced?

(b) How have the authorities disposed of or propose to dispose of such estate?

Mr. H. A. F. Metcalfe: With your permission, Sir, I will answer parts (a) and (b) of this question together. The Government of India have no information as to how the estates of Indian pilgrims dying in Iraq were settled, before the appointment of the Protector of Indian Pilgrims in Iraq, on the 1st December, 1928. The figures since 1929 are as follows:

1929	1930	1931	1932	1933
Rs.	Rs.	Rs.	Rs.	Rs.
64	801	201	424	638

The estates were, or are being, distributed to the heirs through the Local Governments concerned. In case it is impossible to trace any next-of-kin, the net proceeds of the estates are surrendered to the Iraq Government in accordance with the ruling of the Iraq Ministry of Justice. So far, the net proceeds of two estates have been surrendered to the Iraq Government, the exact amount of which is not known to the Government of India.

Mr. Ahmed Ebrahim Haroon Jaffer: Is there any possibility of gaining any share for the Government of India?

Mr. H. A. F. Metcalfe: No.

HELP GIVEN TO PILGRIMS BY THE PORT HAJ COMMITTEES.

171. *Mr. Ahmed Ebrahim Haroon Jaffer: Will the Government of India state whether the pilgrims going on pilgrimages to Iraq or to the Hedjaz via Iraq are helped by the newly constituted Port Haj Committees?

Mr. G. S. Bajpai: Yes, so far as it lies within their power. I may, however, state for the Honourable Member's information that Port Haj Committees have been established at three ports primarily for the purpose of assisting pilgrims to the Hedjaz.

Mr. Ahmed Ebrahim Haroon Jaffer: What are those three ports?

Mr. G. S. Bajpai: Bombay, Karachi and Calcutta.

PILGRIMS TO THE HOLY CITIES OF IRAQ AND OTHER INDIANS REPATRIATED TO INDIA.

172. *Mr. Ahmed Ebrahim Haroon Jaffer: (a) Will Government please state:

- (i) the number of pilgrims who went on pilgrimage to the holy cities of Iraq in the years 1921 to 1933;
(ii) the number of destitute *bonâ fide* pilgrims repatriated to India?
(b) What was the expense incurred on the pilgrims referred to in part (ii) above and who paid the expenses?
(c) How many Indians other than *bonâ fide* pilgrims were repatriated to India?
(d) What was the expense incurred on the pilgrims referred to in part (c) above and who paid the expenses?

Mr. H. A. F. Metcalfe: The Government of India have no consolidated information prior to the appointment of the Protector of British Indian Pilgrims in Iraq on the 1st December 1928. The figures from 1929 to 1933 are contained in the statement which I lay on the table.

						Statement.
						1929. 1930. 1931. 1932. 1933.
(a) (i)	.	.	.	.	.	5,123 3,920 3,055 3,375 3,768
(a) (ii)	.	.	.	.	.	128 150 206 150 246*
(b)	.	.	Rs. 7,591	7,357	9,520	6,149 10,483†
						These expenses were paid by the Government of India.
(c)	.	.	.	.	.	6 9 5 8
(d)	.	.	Rs. 375	424	248	336

* This also includes repatriates other than pilgrims.
† This also includes expenditure on repatriates other than pilgrims.

This is included in figure mentioned under (a) (ii) above.
This is included in figure mentioned under (b) above.

These expenses were paid by the Government of India.

TERMS OF THE OUDH BEQUEST ADMINISTERED BY HIS MAJESTY'S CONSULATE, BAGHDAD.

173. *Mr. Ahmed Ebrahim Haroon Jaffer: Will Government please state:

- (a) the terms of the Oudh Bequest administered by His Majesty's Consulate, Baghdad, and
(b) the yearly income, expenditure with details, and the surplus?

Mr. H. A. F. Metcalfe: With your permission, Sir, I will answer questions No. 173 and 174 together. The information is being collected and will be supplied in due course.

Mr. Ahmed Ebrahim Haroon Jaffer: Will it be supplied to me?

Mr. H. A. F. Metcalfe: It will be supplied to the House in the manner directed by the Honourable the President.

TERMS OF FATEH ULLAH KHAN'S ZINDIYAH BEQUEST.

†174. ***Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state:

- (a) the terms of Fateh Ullah Khan's Zindiyah Bequest; and
- (b) the yearly income, expenditure with details, and the surplus?

WATER DISTILLED AT THE KAMARAN QUARANTINE STATION.

175. ***Mr. Ahmed Ebrahim Haroon Jaffer:** (a) Will Government please state what is the cost of water distilled at Kamaran Quarantine Station and what percentage of overhead charges incurred at Kamaran is included in the cost?

(b) Will Government please state the quantities of water distilled at Kamaran Quarantine Station in each year from 1915 to date and the quantities used

- (i) for pilgrims,
- (ii) for the staff at Kamaran Quarantine Station, and
- (iii) for sale, with the rate at which it was sold and to whom?

Mr. G. S. Bajpai: The information asked for by the Honourable Member is not readily available, and Government consider that the labour involved in collecting it will be quite incommensurate with its possible value.

CUT IN THE SALARIES AND ALLOWANCES OF THE STAFF AT KAMARAN QUARANTINE STATION.

176. ***Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state whether in view of the depression the salaries and allowances of the staff at Kamaran Quarantine Station have been subjected to any cuts? If so, what is the percentage? If not, why not?

Mr. G. S. Bajpai: No. The staff of the Quarantine Station is paid from the Kamaran Quarantine Station Fund, and the general orders effecting percentage cuts in the pay of Government servants did not apply automatically to them. Moreover, it was considered that serious objections existed to the application of a general percentage cut in the case of persons called upon to serve under the peculiar conditions which obtain in this lonely island.

†For answer to this question, see answer to question No. 173.

Mr. Ahmed Ebrahim Haroon Jaffer: What are those peculiar conditions?

Mr. G. S. Bajpai: Loneliness and the absence of social amenities. If that is not sufficiently descriptive, I suggest to my Honourable friend to pay a visit to Kamaran.

PERSONS TRANSFERRED FROM HODEIDA TO KAMARAN QUARANTINE STATION.

177. ***Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state the number of persons transferred from Hodeida to Kamaran Quarantine Station during the month of May last when there was war between King Ibne-Saud and the Imam Yeman, stating separately the number of:

- (a) Britishers,
- (b) British Indians, and
- (c) foreigners,

and what charge was made for their stay there? If none, why not?

Mr. H. A. F. Metcalfe: (a) Nil.

(b) Thirty-eight.

(c) 1247, consisting of 1,186 Arabs and 61 Hadramautis. An expenditure of Rs. 470 in all was incurred and it was met by His Majesty's Government, the Government of India meeting only a third, in accordance with the standing arrangement arrived at between His Majesty's Government and the Government of India in connection with the transfer of the Political and Military control of Aden to His Majesty's Government in 1927.

INFECTIOUS NATURE OF THE PILGRIM TRAFFIC.

178. ***Mr. Ahmed Ebrahim Haroon Jaffer:** Will Government please state whether it is a fact that pilgrim traffic is regarded as amongst the most dangerous from the infective aspect and therefore needs special legislation, international conventions, etc., and if so, what are the past records in this respect?

Mr. G. S. Bajpai: In several of the countries from which pilgrims visit the Hedjaz, plague and cholera are endemic. Special precautions have, therefore, been considered necessary to prevent the outbreak of infectious diseases during the pilgrimage and their spread through the agency of returning pilgrims to other countries. Before the war, there were many serious outbreaks of cholera in the Hedjaz during the pilgrimage, some of which led to widespread epidemics in other countries. No such serious outbreak is reported to have occurred during the post-war period. There was an epidemic of small-pox in the months of March and April, 1929.

DEATH OF ONE SHAMBHU NARAYAN, AN UNDERTRIAL PRISONER IN AJMER.

179. ***Mr. M. Asaf Ali:** (a) Has the attention of Government been drawn to a news item which appeared in the *Hindustan Times* of January 6th 1935, page 1, last column, under the head-line "Ajmer Arms Find"?

(b) Is it a fact that Shambhu Narayan, an undertrial prisoner, was found dead in his cell?

(c) Have Government made any inquiry as regards the exact cause of his death and if so, with what result?

The Honourable Sir Henry Craik: (a) and (b). Yes.

(c) A copy of the inquest report is laid on the table. The cause of death was clearly suicide, but the motive is not known. The deceased had been in jail for about one month and was produced in the Court of the City Magistrate on January 4, when he made no complaints.

Report.

The officiating Superintendent of the Central Jail Dr. C. L. Anderson and myself held the inquest today at 3 P.M. on the 5th January, 1935.

We both examined the dead body of the undertrial prisoner Shimbhu Narain which was lying in the Mortuary attached to the Central Jail, Ajmer, and found the following marks of injury on the dead body:

(1) Circular depressed mark going around the neck obliquely about the middle of the neck with a large irregular mark of depression beneath the right angle on the lower jaw.

(2) An abrasion at the base of the right big toe on its upper surface.

(3) An abrasion over the left knee cap.

We also inspected the separate cell occupied by the deceased Shimbhu Narain and we found that to the West end there was an iron door. A dhoti was tied by one end to the middle bar of the door. It had then been passed over the top bar and brought forward. There was also a masonry berth six feet long about 2½ feet wide 2 feet above the ground. The distance from the upper end of the berth to the iron door where the knot was fixed to a bar was about 30" obliquely. The height of the knot taken from the floor of the cell was about 3' 6" or 4 ft. Besides this there was no other article or furniture in the cell.

We examined three witnesses—(1) Raju Head Warder, (2) Abde Khan Warder and (3) Dr. Bala Bux, sub-Assistant Surgeon attached to the Central Jail, Ajmer.

From the enquiry it appears that the undertrial prisoner was put in the separate cell at 6 P.M. on the 4th January, 1935. Raju Head Warder who was on his round, when he went at 7-25 P.M. to the cell occupied by the undertrial prisoner Shimbhu Narain, found him hanging by a dhoti from the top of the door which is at the back of the cell. He at once informed about the matter to Jamadar Karan Singh who was at the gate. The Jailor was at once called. They opened the door of the cell and went inside. Jamadar Karan Singh lifted up the body and Raju Head Warder opened the knot of the dhoti which was round the neck of the deceased. His left shoulder was against the railing of the iron door and his feet were touching the ground. The legs were bent at the knees and the knees were standing away from the ground about a span length. The Post Mortem Report Exhibit P-1 shows that the death of the undertrial prisoner was due to fracture of the neck caused by the deceased jumping from the berth of his cell with a knot tied round his neck. We are also of opinion considering that the height of the door is not more than 6 ft. that the deceased after taking his fatal jump drew his knees up so as to allow the body to be suspended and we hold that death was suicidal.

The dead body has been handed over to the relatives and the friends of the deceased on the distinct understanding that they would not make any sort of demonstration.

(Sd.) C. L. ANDERSON, Lt.,

Offg. Superintendent,
Central Jail, Ajmer.

(Sd.) E. D. MEHTA,
City Magistrate,
First Class, Ajmer.

Mr. M. Asaf Ali: Will the Honourable the Home Member kindly enlighten us as to whether this prisoner was provided with a scaffold inside his cell which he kicked off when he hanged himself?

The Honourable Sir Henry Craik: The Honourable Member will find details as to the way in which the prisoner committed suicide in the inquest report which I have laid on the table. There was no scaffold.

Mr. M. Asaf Ali: Is it a fact that he was found lying on the floor of the cell, with one piece of *dhoti* tied to his neck and the other tied to one of the doors or ventilators?

The Honourable Sir Henry Craik: I would refer the Honourable Member to the inquest report which I have laid on the table.

CASE OF ONE BHAG RAM, AN ACCUSED IN THE SECOND LAHORE CONSPIRACY CASE.

180. ***Mr. Sham Lal:** (a) Will Government be pleased to state whether Bhag Ram was an accused in the second Lahore conspiracy case?

(b) Was the case against him withdrawn because he got fits of unconsciousness during the course of trial?

(c) Was he after his discharge from the case kept as a State-prisoner?

(d) What was his state of health when he was kept as a State-prisoner?

(e) Is it not a fact that during this period he got paralysis of practically the whole body and that he could not move his hands and legs?

(f) How many representations did his brother make for the discharge of Bhag Ram on grounds of illness?

(g) What reply did Government make to these representations?

(h) Is it not a fact that Government did not release him until he was on the verge of death?

(i) Did Bhag Ram die a day or two after his release?

(j) Will Government be pleased to state why Bhag Ram was kept as a State-prisoner even after the Medical Board had reported that he was seriously ill and could not even stand the trial?

(k) Why did not Government release him on grounds of illness when his brother made representations to them that Bhag Ram was seriously ill in the jail?

The Honourable Sir Henry Craik: (a) Yes.

(b) to (e) and (h) to (j). He was medically examined several times when he was an undertrial prisoner and the doctors were of opinion that he was suffering from functional (hysterical) paralysis of both left limbs and partial anaesthesia of the left side of the trunk and face. After October, 1932, he had fits, whenever he appeared in court and could not, therefore, be made to understand the proceedings against him. In these circumstances, the case against him was withdrawn, but, in view of his dangerous terrorist activities, he was detained as a State Prisoner in July, 1933. His case was examined by two Sessions Judges, who, after considering the material before them, were satisfied that he was a dangerous.

revolutionary terrorist and that his being at liberty would be a danger to the peace of the State. He was not seriously ill at the time of his detention, and in fact medical reports from November, 1933, to January, 1934, indicated some signs of improvement in his health. The report for February, 1934, was also not unsatisfactory. Thereafter, his health began to deteriorate. In April, 1934, he was transferred to the Rawalpindi District Jail where a whole-time medical officer was available. The deterioration in the health of the State Prisoner, however, continued and he was released on the 29th July, 1934. He died nearly a month later on the 27th August.

(f), (g) and (h). Only one representation for the release of the State Prisoner was received from his brother. It contained a further request that if the Government were not prepared to release him, he should be transferred to the Mayo Hospital at Lahore, for radio treatment. This transfer was effected and his brother was informed accordingly. In November, 1933, the State Prisoner refused, however, to have further treatment. He was not seriously ill when his brother made the representation referred to above and the question of his release did not, therefore, arise.

Dr. T. S. S. Rajan: Do Government seriously think that they are absolved of all responsibility for a man who comes out of a prison and dies immediately afterwards within a month's time? The answer to the question relates to a statement that the prisoner died a month after he was released, and that he had been seriously ill, though his illness was diagnosed as being functional, and that he had been declared and found to be unfit to be in jail; and do Government think that they are absolved of the responsibility of having retained him in jail and thus accelerating his death by such detention?

The Honourable Sir Henry Craik: There was no question of accelerating his death by detention. He was not found to be unfit to be in prison until he was released.

Dr. T. S. S. Rajan: But he died a month after he was released. Was not that the answer?

The Honourable Sir Henry Craik: I think the probability is that he received much better medical attention in jail than he received after he was released.

Pandit Govind Ballabh Pant: What was the age of Bhag Ram?

The Honourable Sir Henry Craik: I must ask for notice.

Pandit Govind Ballabh Pant: Is it a fact that he was never convicted as a result of any trial by any regular Court?

The Honourable Sir Henry Craik: His trial was never completed in this particular case. I cannot say as to his previous record, but in this particular case the case against him was withdrawn, as I have explained.

Pandit Govind Ballabh Pant: Is it a fact that during all the time he was confined as a State Prisoner, he was unable to move out of his bed?

The Honourable Sir Henry Craik: He was suffering from partial paralysis, and I think it was probably the case that he was not able to move, but I rather think that that was not the case the whole of the time. I have said that there was one period when there was a certain improvement.

Pandit Govind Ballabh Pant: Was he ever able to move out of his bed?

The Honourable Sir Henry Craik: I cannot say for certain.

Pandit Govind Ballabh Pant: Why did not Government release him when his condition deteriorated?

The Honourable Sir Henry Craik: Government did release him when his condition deteriorated.

Pandit Govind Ballabh Pant: Is it not a fact that his condition had deteriorated long before his release?

The Honourable Sir Henry Craik: His health began to deteriorate about April; he was released about the end of July.

Pandit Govind Ballabh Pant: Do Government realise that they contributed towards his premature death?

The Honourable Sir Henry Craik: No, Sir.

RELEASE OR TRANSFER TO ANOTHER JAIL OF MR. VIDYA BHUSHAN AZAD, A STATE PRISONER IN THE MUZAFFARGARH JAIL.

181. ***Mr. Sham Lal:** (a) Will Government be pleased to state if Mr. Vidya Bhushan Azad is a State-prisoner confined in the Muzaffargarh Sub-jail?

(b) Does the climate of Muzaffargarh suit him, and is he keeping good health?

(c) Are Government aware that Muzaffargarh is very far from Benares, to which place Mr. Azad belongs, and that it is difficult for his relations to have interviews with him occasionally?

(d) Are Government prepared to transfer Mr. Azad to some jail near Benares?

(e) Are Government prepared to pay the travelling allowances of Mr. Azad's relations who come to interview him?

(f) How long has Mr. Azad been a State prisoner?

(g) Is it a fact that Mr. Azad has been a State prisoner for a long time and is not keeping good health? If so, are Government prepared to consider his case for release?

The Honourable Sir Henry Craik: (a) and (b). Yes. His weight has increased by ten lbs. since his admission to the Muzaffargarh sub-jail.

(c) and (d). The Government are not prepared to transfer him.

(e) No.

(f) and (g). The State Prisoner has been detained since February, 1933, and reports show that he is keeping good health. The last part of (g) does not, therefore, arise.

Mr. M. Asaf Ali: Can Government state why Mr. Vidya Bhushan Azad is detained now as a State Prisoner? What danger do they apprehend from him now?

The Honourable Sir Henry Craik: No, Sir, I am not prepared to disclose that information.

Mr. M. Asaf Ali: Is it a fact that he was not convicted in the conspiracy case in which he was tried and that in fact he was acquitted?

The Honourable Sir Henry Craik: Yes, I believe that is correct.

Mr. M. Asaf Ali: On what grounds was he detained afterwards?

The Honourable Sir Henry Craik: Because his detention is in the interests of internal peace. (Laughter.)

Mr. M. Asaf Ali: I am glad to know from the Honourable Member that his detention is in the interests of internal peace, but is there any ground for detaining him now? Have you had any reports about his activities in jail, or has he been well-behaved all this time, or has he not?

The Honourable Sir Henry Craik: I must have notice about his behaviour in jail. Government are satisfied that his detention is necessary.

Pandit Govind Ballabh Pant: When was Mr. Azad's case last examined by any judicial tribunal—by any Judge of a High Court or by any person possessing the qualifications of a Sessions Judge?

The Honourable Sir Henry Craik: I cannot say on what date his case was so examined,—in fact I do not know of any such examination.

Pandit Govind Ballabh Pant: Are not these cases periodically examined?

The Honourable Sir Henry Craik: Not by Judges of a High Court.

Pandit Govind Ballabh Pant: Was it examined by the Local Government recently?

The Honourable Sir Henry Craik: The cases of all State Prisoners are considered by the Government of India every six months in accordance with the provisions of the Regulation.

Pandit Govind Ballabh Pant: When was Mr. Azad's case considered by the Government of India last?

The Honourable Sir Henry Craik: If the Honourable Member will give me notice, I will ascertain.

Pandit Govind Ballabh Pant: Is Mr. Azad a resident of the United Provinces?

The Honourable Sir Henry Craik: Yes, I think he is.

Pandit Govind Ballabh Pant: Cannot Government arrange to have him confined in one of the jails of the United Provinces?

The Honourable Sir Henry Craik: I have already answered that point in reply to the principal question.

Pandit Govind Ballabh Pant: May I know what are the difficulties?

The Honourable Sir Henry Craik: There are no difficulties, but Government are not prepared to transfer him.

Pandit Govind Ballabh Pant: Simply in a vindictive spirit?

The Honourable Sir Henry Craik: There is no question of a vindictive spirit at all.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

ASSESSMENT WITH EXCISE DUTY OF KHANDSARI SUGAR FACTORIES.

182. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether according to recent Sugar Excise Duty Act, 1934, Khandsari Sugar Factories are being assessed with Excise Duty, and if so, how many of them have up to now been registered and assessed?

(b) Will Government be pleased to state how many Khandsari Sugar Factories have been registered under the Sugar Excise Duty Act, 1934, during the years 1934 and 1935, and what amounts of Excise Duty have been recovered from each?

(c) Will Government be pleased to state whether there are certain Khandsari Sugar factories which do not come under the definition of Sugar Excise Duty Act, 1934, and from which Government cannot collect Excise Duty? If so, how many are they, to what province does each of them belong, and what quantity of sugar does each of them produce?

Mr. A. J. Raisman: The information is being collected and will be laid on the table of the House in due course.

PREVENTION OF THE EXPORT OF FOREIGN RICE INTO THE MADRAS PRESIDENCY.

183. ***Dr. T. S. S. Rajan:** (a) Will Government be pleased to state if any representations have been made by the Madras Government and by the land-owners of the Madras Presidency, to prevent the increasing import of rice from Siam and Indo-China into the Madras Presidency?

(b) Will Government be pleased to state if any representations have been made by the Madras Government and the land-owners of the Madras Presidency requesting them to levy an import duty upon the foreign imports of rice into India?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government be pleased to state what action has been taken thereupon?

(d) Will Government be pleased to state why there has been so much delay in taking any effective steps in the matter?

Mr. G. S. Bajpai: (a) and (b). Yes.

(c) and (d). I have nothing to add to what I said during the debate yesterday.

Dr. T. S. S. Rajan: Will Government give some idea of the time it will take to place that information on the floor of the House?

Mr. G. S. Bajpai: Sir, I do not really know that there is any further information to lay on the table of the House. It is merely a question of the decision of Government.

Dr. T. S. S. Rajan: But the question is whether Government will take any effective steps in the matter.

Mr. G. S. Bajpai: I explained the position of Government yesterday, Sir.

Dr. T. S. S. Rajan: May we not know the time when we could possibly expect the Government action to be announced or let known to the public?

Mr. G. S. Bajpai: I cannot give any precise date, but I can assure the House that it will be soon.

Dr. T. S. S. Rajan: About the Budget time?

(No answer.)

INCOME-TAX ASSESSED ON REGISTERED COMPANIES AND FIRMS IN BIHAR AND ORISSA.

184. ***Mr. Anugrah Narayan Sinha:** (a) Will Government be pleased to state the amount of income-tax assessed on registered Companies and Firms carrying on business exclusively in the Province of Bihar and Orissa?

(b) Will Government be pleased to state the name, address and description of each registered Company and Firm, district by district, that carry on business exclusively in the Province of Bihar and Orissa but have got their head office either at Calcutta, Bombay or any other place outside the Province?

(c) Will Government be pleased to inform the House the total profit made by each of the Companies and Firms mentioned in the foregoing questions on which income-tax is levied or in the alternative, amount of income-tax levied on each of the foregoing Companies and Firms?

Mr. A. J. Raisman: (a) The information is being obtained and will be laid on the table in due course.

(b) and (c). I am debarred by the provisions of section 54 of the Indian Income-tax Act, 1922, from disclosing any particulars relating to individual assesses.

Mr. B. Das: Will the Honourable Member be pleased to say how the Government of India have allocated the share of income-tax 12 NOON. to the Government of Bihar and Orissa if they did not possess the necessary information?

Mr. A. J. Raisman: I would point out that the question asked here relates to individual firms and companies. I did not say that we have not got the necessary information. I said that I was debarred by a Statutory provision from communicating it.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 334 asked by Mr. S. G. Jog on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) and (b). Yes.

(c) No.

(d) to (h). The only case of the kind of which Government are aware is that referred to at (e). The individual concerned has since been admitted to the field service rate of disability pension.

(i) Government are not aware that Officers Commanding and other administrative officers are exceeding their powers in the role suggested and no action on the lines suggested is proposed to be taken.

Information promised in reply to supplementary questions to starred question No. 568 asked by Dr. Ziauddin Ahmad on the 14th August, 1934.

RAILWAY ADVERTISEMENTS IN VERNACULAR NEWSPAPERS.

Statement showing the percentage of advertisements of Railways sent to the Vernacular press.

Railways.	Percentage.	Remarks.
North Western Railway	78.11	
South Indian Railway	46.00	
East India Railway	24.60	
Burma Railways	92.20	
Madras and Southern Mahratta Railway	45.00	
Assam Bengal Railway	47.00	
Great Indian Peninsula Railway	53.00	
Bengal Nagpur Railway	19.00	
Eastern Bengal Railway	6.00	
Bombay, Baroda and Central India Railway.	33.00	
Bengal and North Western Railway	*	* Information not available.
Rohilkhund and Kumaon Railway	*	* Information not available.

Information promised in reply to the supplementary question of Dr. Ziauddin Ahmad to starred question No. 641 asked by Mr. S. C. Mitra on the 20th August, 1934.

APPEAL AGAINST THE DECISIONS OF THE INDIAN TEA LICENSING COMMITTEE.

An appeal against the decisions of the Indian Tea Licensing Committee lies to the Governor General in Council in whom are vested powers of control under section 7 (1) of the Indian Tea Control Act, 1933 (XXIV of 1933), over all acts of the Committee save in respect of proceedings and orders under section 27 of the Act in regard to which an appeal lies to the Local Government concerned.

Information promised in reply to parts (a), (b) and (d) of starred question No. 980 asked by Mr. Sitakanta Mahapatra on the 31st August, 1934.

DEVELOPMENT OF SALT INDUSTRY IN THE COASTAL DISTRICTS OF ORISSA.

(a) and (b). The Government of Bihar and Orissa have made arrangements for the taking of brine readings as recommended by Mr. Pitt in his report on the possibilities of salt production in Bengal and Bihar and Orissa, and this work is in progress. The Local Government have approved the issue of a license to the Raja of Parikud for the manufacture of Karkatch salt on a commercial scale at Gurubai in the Puri District and if work is started by the Raja on a commercial basis they will bear the cost of temporary quarters for the excise staff and of the staff itself for the first three years. An application from the Pioneer Salt Manufacturing Company Limited is pending before the Local Government and their case will be considered if the Raja of Parikud fails to start manufacture of salt by the 31st January, 1936, upto which date he has been given time to do so. An application for a license to manufacture Panga salt was also received and the Local Government were prepared to consider it favourably, but it has not been followed up.

(d) The difficulties are those set out in Mr. Pitt's report on the investigations into the possibilities of salt production in Bengal and Bihar and Orissa. The only area in which conditions were considered favourable for salt manufacture was the Chilka Lake area, and it is there that it is proposed that the factory should open.

Information promised in reply to starred question No. 1002 asked by Mr. B. V. Jadhav on the 31st August, 1934.

INTERNATIONAL INSTITUTE OF AGRICULTURE, ROME.

(a) (i) and (ii). The information, so far as it is available, will be found in the statement attached.

A Government adhering to the Institute may, according as it likes, belong for purposes of subscription to any one of five groups. Governments in group I contribute 16 units of subscription; those in group II, 8 units; those in group III, 4 units; those in group IV, 2 units, and those in group V, 1 unit. Up to 1930, India belonged to group II but from 1931 she is in group III. The maximum unit of subscription since 1931, is 4,000 gold francs and India therefore pays 16,000 gold francs annually. In 1934, this represented a sum of Rs. 13,154-3-0.

(a) (iii). Sir P. Rajagopalachari and Sir T. Vijayaraghavacharya were appointed Vice-Presidents of one of the Commissions of the General Assembly in 1924 and 1930 respectively. Sir B. N. Mitra, High Commissioner for India, was President of the General Assembly in 1932.

(b) and (c). None, so far as Government are aware.

(d), (e) and (f). The Institute receives properly accredited research workers in agricultural statistics, economics and sociology, and no difficulty is anticipated in securing facilities for qualified Indians desiring to carry out such research or to use the Institute's Library for purposes of advanced study. The Government of India have no information whether any Indians have availed themselves of these facilities.

(g) No. For the sake of economy, the general practice has been to nominate officials, who happen to be in Europe at the time of the meetings of the General Assembly.

(h) The Institute provides facilities for study but its financial position does not permit it to give financial assistance to students of any country.

Names of Representatives of India.

Year.	Permanent Committee.	General Assembly (meets every alternate year).	Amount Con- tributed by India.	
1	2	3	4	5
			£	Rs.
1908	Sir Edward Buck, K.C.S.I., I.C.S., (Retired).	Sir Edward Buck, K.C.S.I., I.C.S., (Retired).	480	..
1909	Do.	Do.	480	..
1910	Do.	Do.	480	..
1911	Do.	Do.	480	..
1912	Do.	Do.	480	..
1913	Do.	Do.	480	..
1914	{ Sir James Wilson, K.C.S.I., I.C.S., (Retired) (Tem- porarily).		800	..
1915	Sir Edward Buck, K.C.S.I., I.C.S., (Retired).		800	..
1916	Sir Edward Buck, (up to November 1916) Sir James Wilson, K.C.S.I., I.C.S., (Retired) who was also the British Empire representative.	No meetings were held	800	..
1917	Sir James Wilson, K.C.S.I., I.C.S., (Retired).		800	..
1918	A member of the British Embassy, Rome (tem- porarily) who was also the British representa- tive.		800	..
1919	Do.		800	..
1920	Sir Thomas Elliot, Bart. K.C.B., who also repre- sented the British Empire.	(1) Sir Thomas Elliot, Bart., (2) Dr. C. A. Barber, I.A.S., (Retired).	800	..
1921	Do.		800	..
1922	Do.	(1) Mr. J. A. Hubback, I.C.S. (2) Dr. C. A. Barber, I.A.S. (Retired).	800	..
1923	Do.		..	11,000
1924	Do.	(1) Sir P. Rajagopala Chari, K.C.S.I., C.I.E. (2) Mr. B. C. Burt, I.A.S. Secretary, Indian Central Cotton Committee.	..	11,000
1925	Do.		..	11,000

Names of Representatives of India—contd.

Year.	Permanent Committee.	General Assembly (meets every alternate year).	Amount Con- tributed by India.
1	2	3	4 5
1926	An official of the Ministry of Agriculture and Fisheries who was also the British representa- tive.	(1) Mr. C. F. Strickland, I.C.S. (2) Mr. G. S. Henderson, I.A.S., Imperial Agricul- turist, Pusa.	Rs. 11,000
1927	Do.		14,000
1928	Do.	(1) Mr. G. S. Dutt, I.C.S. (Bengal). (2) Mr. W. J. Jenkins, I.A.S., Deputy Secretary, Indian Central Cotton Com- mittee.	14,000
1929	Do.		14,729-11
1930	Do.	(1) Diwan Bahadur Sir T. Vijayaraghavacharya, K.B.E., Vice Chairman, Imperial Council of Agri- cultural Research. (2) Mr. S. N. Gupta, I.C.S., then Deputy Indian Trade Commissioner, London.	14,729-11
1931	High Commissioner for India, London.		8,471-5
1932	Do.	(1) Sir B. N. Mitra, K.C.S.I., K.C.I.E., C.B.E., High Commissioner for India, London. (2) Mr. K. R. Menon, I.C.S., then Secretary to the High Commissioner for India, London.	12,437-5
1933	Do.		12,511-3
1934	Do.	(1) Sir B. N. Mitra, K.C.S.I., K.C.I.E., C.B.E., High Commissioner for India, London. (2) Mr. A. M. Green, I.C.S., Deputy High Commis- sioner for India, London.	13,154-3

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908.

I have given the reasons for this Bill in the Statement of Objects and Reasons which is appended to it. I will at this stage only state this that in 1922, Part I of the Criminal Law Amendment Act was repealed and Part II was not repealed. But the Government, during the last four years of their action against the Congress, have applied the obsolete portion of Part II of the 1908 Act to Congress organisations and Congress

workers and many of them have suffered because of the application of this Act, although this Act was originally meant to be applied to crimes of violence by anarchical and revolutionary organisations. But Government have, since then, enacted the Criminal Law Amendment Act whereby they can take action against terrorists and anarchical organisations. On these grounds, I feel that this Act should be repealed, and I have, therefore, introduced this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908."

The motion was adopted.

Mr. B. Das: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

AMENDMENT OF SECTION 103.

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 103*).

Sir, in wishing to get the leave of the House for the introduction of this Bill, I do not like to take the time of the House, and I should, therefore, confine myself to the Statement of Objects and Reasons which is appended to the Bill itself.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 103*)."

The motion was adopted.

Sardar Sant Singh: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

AMENDMENT OF SECTION 406.

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 406*).

Sir, I have nothing to add beyond what is stated in the Statement of Objects and Reasons at this stage.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 406*)."

The motion was adopted.

Sardar Sant Singh: Sir, I introduce the Bill.

[12TH FEB. 1935.]

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

REPEAL OF SECTIONS 30 AND 34, AND AMENDMENT OF SECTIONS 34A AND 35.

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Repeal of sections 30 and 34, and amendment of sections 34A and 35*).

In introducing this Bill, I have nothing to add to the Statement of Objects and Reasons appended to the Bill itself.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (*Repeal of sections 30 and 34, and amendment of sections 34A and 35*)."

The motion was adopted.

Sardar Sant Singh: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 13th February, 1935.

LEGISLATIVE ASSEMBLY.

Wednesday, 13th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

ARRANGEMENTS FOR THE SUPPLY OF BOOKS AND MAGAZINES TO STATE PRISONERS.

185. ***Mr. V. V. Giri**: (a) Will Government be pleased to state what arrangements have been made to supply the State Prisoners in provinces outside Bengal with books from local, provincial, public or other libraries?

(b) Will Government be pleased to state whether it is a fact that arrangements have been made with the Imperial Library Council, Calcutta, to regularly supply books to the State Prisoners and detenus and that a Special Officer has been appointed for the purpose but that the State Prisoners have not so far been getting full benefit of the said arrangement?

(c) Will Government be pleased to state whether any complaints have been received from the State Prisoners about the non-supply of books from the Imperial Library? If so, will Government be pleased to state what action they have taken in the matter?

(d) Is it a fact that the Superintendents of jails, the District Superintendents of Police and the District Collectors concerned, have not been authorised to censor books applied for by the State Prisoners and that the present practice of referring the applications to D.I.G., C.I.D., I.B., causes unusual delay in supply of books to the prisoners? If the reply be in the affirmative, will Government be pleased to state whether they propose to authorise the local officials in charge of jails to pass applications for books, made by the prisoners?

(e) Is it a fact that certain first class magazines and periodicals liked by all the sections of the leading public such as the *Modern Review*, *Prabashi*, *The Uttara*, *The Basumati* and *Bharata Barsha*, a literary magazine edited by Rai Jaladhar Sen Bahadur, who has been a loyal supporter of the Government, have not been allowed to be read by the State Prisoners?

The Honourable Sir Henry Craik: (a), (b) and (d). State Prisoners under Regulation III of 1818 and detenus confined in jails outside Bengal under the provisions of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, are allowed to borrow books from the jail library and other outside sources including the Imperial Library, Calcutta, provided they are passed by the Superintendent of the jail concerned who makes the necessary arrangements on application from the State Prisoners or detenus. In cases in which the Superintendent of the jail is in doubt in regard to any particular book desired he refers to certain officers in Bengal.

No special officer has been appointed by the Government of India, nor as far as I am aware, by the Government of Bengal.

(c) The Government of India have not had any complaints about the non-supply of books from the Imperial Library, Calcutta. Any such complaints would be enquired into and dealt with by the local authorities.

(c) These magazines and periodicals are not included in the list of approved papers for perusal by State Prisoners and detenus, as recently revised.

Mr. V. V. Giri: Will the Honourable Member enquire if any complaints have been made to the local authorities in the matter of the supply of books to the prisoners?

The Honourable Sir Henry Craik: I said, we had no complaints. As regards complaints to the local authorities, I will, if the Honourable Member so desires, make enquiries.

Mr. S. Satyamurti: With reference to the answer to part (c), may I know if the Government will reconsider their decision, not to include these magazines, and consider their inclusion among the magazines supplied to State Prisoners?

The Honourable Sir Henry Craik: I will take the point up with the Government of Bengal if the Honourable Member so desires. The decision not to include these papers was that of the Government of Bengal.

Mr. M. Ananthasayanam Ayyangar: Are any Indian dailies, weeklies or magazines included in the list now? Are they being supplied to State Prisoners?

The Honourable Sir Henry Craik: I must have notice of that question. I think the papers included in the list are all weekly papers, but I am not quite sure. Anyhow, I want notice of the question.

Mr. M. Ananthasayanam Ayyangar: It was stated in answer to part (c) that the periodicals referred to were not in the approved list. May I know which body approves the list?

The Honourable Sir Henry Craik: I have said that I will take up that question with the Government of Bengal.

Mr. M. Ananthasayanam Ayyangar: Who is the official or which is the body that approves?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered that he will take up that question with the Government of Bengal.

Mr. M. Ananthasayanam Ayyangar: The Honourable Member just now said that the question of inclusion of these periodicals will be taken up with the Government of Bengal hereafter. But may I know if any non-officials or the visitors to jails are included in the committee which approves the list?

The Honourable Sir Henry Craik: The decision rests with the Government of Bengal. If the Honourable Member wishes to approach any officer, I should suggest that he should address the Secretary to the Government of Bengal.

Mr. Basanta Kumar Das: What is the principle followed in selecting the books?

The Honourable Sir Henry Craik: I assume that the principle followed is to exclude books and periodicals which might have a deteriorating effect on the morals of the detenus. (Laughter.)

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

186. ***Mr. V. V. Giri:** (a) Has the attention of Government been drawn to the alleged copy of Home Department's circular, dated 23rd November, 1934, to Local Governments, published in the *Indian Express* of 9th January, 1935?

(b) Will Government be pleased to state whether the copy of the alleged letter published in the *Indian Express* is a true copy of the Home Department circular?

The Honourable Sir Henry Craik: With your permission, Sir, I will reply to these two questions together. With regard to both parts of question No. 186 the answer is in the affirmative. With regard to the rest of the question I have dealt with the points in my speech on the adjournment motion.

Mr. S. Satyamurti: May I know if the Honourable Member's attention has been drawn to Mahatma Gandhi's speeches on the objects of this Association and the constitution of the Association published after the debate in this House, and whether the Government are still of the same opinion that they should not co-operate with the Association?

The Honourable Sir Henry Craik: My impression is that I replied to that question the other day. I have seen those articles and I stated they would be taken into consideration in arriving at a decision on the question.

Mr. S. Satyamurti: May I know, therefore, if the Government have not yet come to any final conclusion on their attitude towards the activities of this Association?

The Honourable Sir Henry Craik: That is correct.

Dr. T. S. S. Rajan: Have the Government of India received any replies to their circulars from the Local Governments?

The Honourable Sir Henry Craik: Yes, Sir.

Dr. T. S. S. Rajan: Will they place them on the table of the House?

The Honourable Sir Henry Craik: No, Sir.

Mr. S. Satyamurti: Why not, Sir?

The Honourable Sir Henry Craik: Because they are confidential.

Mr. M. Ananthasayanam Ayyangar: Will Government place an authentic copy of the original communication issued on the table of the House?

The Honourable Sir Henry Craik: There is a substantive question later on in the list on the same subject.

VILLAGE INDUSTRIES ASSOCIATION STARTED BY MR. GANDHI.

1187. ***Mr. V. V. Giri:** Are Government aware that the Village Industries Association started by Mahatma Gandhi is a non-political organisation and do Government propose to create obstacles in the way of legitimate activities of the Association? If the reply is in the affirmative, will Government be pleased to state the grounds on which their attitude is based?

ALLEGED CURFEW ORDER IN KHARAGPUR RAILWAY COLONY.

1188. ***Mr. V. V. Giri:** (a) Will Government be pleased to state whether any curfew order is in force in Kharagpur Railway Colony?

(b) Will Government be pleased to state whether it is a fact that Kharagpur Railway Colony has not been the scene of any political outrage in recent years?

(c) Are Government aware that Bengali railway employees are subjected to humiliating restrictions in glaring contrast to other communities at Kharagpur? If the reply is in the affirmative, will Government be pleased to state the reasons for this communal humiliation and do Government propose to withdraw this order in the Railway Colony?

The Honourable Sir Henry Craik: (a) Yes.

(b) and (c). Though there has been no terrorist outrage in Kharagpur itself, the Local Government is satisfied that Kharagpur has been and still is a centre of terrorist plotting and, it is in view of this, that they have imposed restrictions on Bengali residents because Bengalis are particularly concerned in terrorist activities. The Local Government consider that the situation does not warrant the withdrawal of the restrictions.

Mr. V. V. Giri: Is the Honourable Member aware that Kharagpur contains only peaceful and non-violent workers, and, as such, will Government consider the advisability of withdrawing this curfew order against the employees at any rate?

The Honourable Sir Henry Craik: I think that is covered by the reply I have already given.

Mr. S. Satyamurti: May I know the evidence on which the Government have come to the conclusion that the Bengalis in Kharagpur are particularly concerned in terrorist activities?

+For answer to this question, see answer to question No. 186.

Honourable Sir Henry Craik: No, Sir. Obviously I cannot give evidence.

Mr. S. Satyamurti: May I know if the Government have any evidence at all, or is it merely their surmise?

The Honourable Sir Henry Craik: Certainly not; it is based on information received.

QUALIFICATIONS AND EXPERIENCE OF THE PREVENTIVE OFFICERS AND THE ASSISTANT PREVENTIVE OFFICERS IN THE MADRAS SEA CUSTOMS OFFICE.

189. ***Mr. V. V. Giri:** (a) Will Government be pleased to state whether it is a fact that till October, 1934, there was no distinction made in the nature of duties allotted between Madras Sea Customs Preventive Service Officers and Assistant Preventive Officers, although the scales of pay for the two classes are Rs. 120—7—295 and Rs. 60—3—135 respectively?

(b) Will Government be pleased to lay on the table a statement showing the qualifications and experience possessed by the present Preventive Officers and the Assistant Preventive Officers in the Madras Sea Customs Office?

Mr. A. J. Raisman: (a) Some distinction was made in the postings of Preventive Officers and Assistant Preventive Officers. Work of special importance and requiring experience was always given to Preventive Officers.

(b) A statement is placed on the table of the House.

Statement showing the qualifications of the Preventive and Assistant Preventive Officers in the Madras Customs House.

Preventive Officers—

One Graduate.
One Intermediate.
Two S. S. L. C.
One European High School.
One Military Pensioner.
Seven exempted.

(No officer has less than seven years' service).

Assistant Preventive Officers—

One Passed Part II of B.A. Examination.
Two Intermediate.
Eleven S. S. L. C.
One European High School.
Four Exempted.

(Average service of the Assistant Preventive Officers is nine years.).

Mr. V. V. Giri: Are Government aware that simply to justify the differences in the scales of pay, the Preventive Manual was amended omitting the rule which stated that generally speaking no distinction should be made in the nature of the duties allotted to them?

Mr. A. J. Raisman: The position is that in spite of the fact that the Manual so stood formerly there was in practice a degree of distinction which I have indicated in my reply.

Mr. V. V. Giri: Will the Honourable Member indicate the nature of the duties performed by the Preventive Officers and the Assistant Preventive Officers?

Mr. A. J. Raisman: I am afraid I cannot possibly go into all such details.

Mr. V. V. Giri: Will the Honourable Member supply the details regarding the duties performed by these Officers?

Mr. A. J. Raisman: If the Honourable Member wishes to study the Manual on the subject, he is at liberty to do so, but I cannot possibly give that information in answer to a question.

OVERTIME FEES RECEIVED BY THE CUSTOMS SERVICE OFFICERS.

190. ***Mr. V. V. Giri:** (a) Will Government be pleased to state whether it is a fact that it has become a recognised part of the terms on which the Customs Service Officers are engaged that they should be entitled to over-time fees on the scale which has become customary, viz., the rate of Re. 1 per hour for officers drawing Rs. 75 per mensem and above and half this rate for officers drawing less than Rs. 75 per mensem?

(b) Is it a fact that over-time fees are paid from receipts under Sunday penalty fees levied from the shipping agents and are not connected with the Government revenue?

(c) Will Government be pleased to state whether it is a fact that orders have been recently issued to the effect that the maximum over-time drawn by an Assistant Preventive Officer should not exceed half his salary?

(d) Will Government be pleased to state whether it is a fact that consequent upon the aforesaid order, there has been considerable reduction in the emoluments of the Assistant Preventive Officers without corresponding reduction in over-time work?

(e) Will Government be pleased to lay on the table a statement showing the amount of over-time work in hours performed by the Assistant Preventive Officers drawing Rs. 75 and above and those drawing below, during the last twelve months and the corresponding over-time earnings of the officers in the said period?

Mr. A. J. Raisman: (a) Overtime fees are a normal expectation of the Customs Preventive Service. The scale of these fees is, however, liable to alteration and alterations have actually been made in the past. An officer is not entitled to expect that the scale in force at the time of his appointment will necessarily continue throughout his service.

(b) No. A portion of Government overtime fees is also met from the General Revenues.

(c) The orders are intended to ensure an equitable distribution of overtime fees to the whole staff. They do not necessarily mean that the overtime fees drawn by an officer should in no circumstances exceed half his salary. When all the officers available have earned overtime fees, equal to half their salary, they can earn further fees if there is more overtime to be worked.

(d) No. The remuneration is in proportion to the time worked.

(e) The information is being collected and will be laid on the table when ready.

Lieut.-Colonel Sir Henry Gidney: With reference to the Honourable Member's reply that the salaries are subject to alteration during service, is it or is it not a fact that the practice of that policy would be a violation of vested interests?

Mr. A. J. Raisman: If I had said so, it might be a fact.

Lieut.-Colonel Sir Henry Gidney: If he did not say that about salaries, may I know what the Honourable Member really did say?

Mr. A. J. Raisman: What I said was that the regulations relating to overtime fees were liable to alteration.

Lieut.-Colonel Sir Henry Gidney: Thank you, Sir.

MEMORIAL FROM THE ASSISTANT PREVENTIVE OFFICERS IN MADRAS *re* IGNORING THEIR CLAIMS.

191. ***Mr. V. V. Giri:** Will Government be pleased to state whether any memorial has been received from the Assistant Preventive Officers representing that their claims for promotion by virtue of longer service, greater experience and adequate qualifications, were ignored in favour of less efficient persons in the selection made in September, 1934, for the posts of Examining Officers and if so, will Government be pleased to lay on the table a copy of the reply sent to the memorial?

Mr. A. J. Raisman: A memorial from certain Assistant Preventive Officers in the Madras Custom House was received by the Central Board of Revenue. A copy of the orders passed on it is placed on the table.

Copy of letter O. Dis. No. 329-C, R./34, Pt. II, dated the 19th January 1935, from the First Secretary, Central Board of Revenue, New Delhi, to the Collector of Customs, Madras.

Memorials—Assistant Preventive Officers—Madras Custom House—Promotion to Examiner's Grade—

Your letter L. No. 1267/34/Ac., dated the 10th September 1934.

With reference to the memorials from the Assistant Preventive Officer Madras Custom House, received with the letter cited above, I am directed to say that the Central Board of Revenue sees no reason to interfere with the decision taken by you in the matter of selection of persons for appointment to the Examiners' grade in the Madras Custom House and rejects the memorial. The memorialists may be informed accordingly.

FREQUENT REPAIRS AND RENEWALS OF BRIDGES BETWEEN KARACHI CITY AND KOTRI ON THE NORTH WESTERN RAILWAY.

192. ***Mr. Fakir Chand** (on behalf of Mr. Lalchand Navalrai): (a) Will Government be pleased to state how many times during the last ten years the North Western Railway Bridges between Karachi city and Kotri have been strengthened?

(b) Will Government be pleased to give reasons necessitating the frequent repairs and renewals of bridges on this section, and also to state the time when last renewals and repairs were carried out and when the fresh work started and whether that work has been completed or not?

(c) Is it not a fact that the members of North Western Railway Advisory Committee at Karachi brought this matter to the notice of the Agent, who ruled out the motion on the ground that it was not within their jurisdiction?

(d) Is it not a fact that the members complained that constant repairs and renewals were uncalled for and that the work was unnecessarily prolonged, and that this put the travelling public to great hardship and inconvenience on account of the prolonging of the duration of journeys on this line?

(e) Will Government be pleased to state the cost of repairs and renewals to these bridges during each period within the last ten years?

Mr. P. R. Rau: (a) and (b). The Karachi-Kotri Section was opened to traffic in 1861 and contains over 200 bridges; these bridges which were built for light axle loads and slow speeds have been and are in succession showing signs of distress, and have been or are being strengthened accordingly, and this can be expected to continue until all are brought up to the standard required for modern loads and speeds.

(c) and (d). A member of the Karachi Advisory Committee forwarded a proposal for discussion by the Committee for the appointment of an expert Committee comprising three railway officials and three non-official members of the committee with the Agent as Chairman to investigate the whole question of the Karachi-Kotri track. The matter was ruled out by the Chairman as being outside the scope of the Advisory Committee.

(e) Government regret that the information is not readily available.

REMODELLING OF THE KARACHI CITY RAILWAY STATION.

193. ***Mr. Fakir Chand** (on behalf of Mr. Lalchand Navalrai): (a) Will Government be pleased to state if it is a fact that the Karachi city station remodelling plan has been held over for the last ten years on the ground of financial stringency?

(b) Is it a fact that such a big terminus station has been left over in an unseemly state and that it has not even a cemented or asphalted platform?

(c) Do Government propose to provide a special amount in the next budget for the entire city station platform until funds are found for the whole scheme? If not, why not?

Mr. P. R. Rau: (a) A scheme for remodelling the Karachi City station was considered by the Railway Board in 1929, but its cost of over Rs. 30 lakhs made it financially unjustifiable. The succeeding depression, and the reduction in present day traffic requirements, make it still less justifiable.

(b) and (c). The Agent, North Western Railway, reports that the surface of the existing platform is in fair condition but requires to be improved. It is proposed to provide a concrete or asphalt surface.

SPEED OF TRAINS ON THE KOTRI LARKANA SECTION OF THE NORTH WESTERN RAILWAY.

194. ***Mr. Fakir Chand** (on behalf of Mr. Lalchand Navalrai): (a) Are Government aware that the Kotri Larkana Section on the North Western Railway line has been declared by the Engineering Department as a line which would not allow of more than 30 miles speed?

(b) Is it a fact that on other main lines 50 to 60 miles speed can be attained and if so, do Government propose to renovate the line so as to allow the maximum speed on this important tract? If not, why not?

Mr. P. R. Rau: (a) The Kotri-Larkana Section of the North Western Railway is a Section for which the Senior Government Inspector of Railways has sanctioned a maximum speed of 35 miles per hour.

(b) Yes, but the Agent, North Western Railway, has reported that the Kotri-Larkana Section is not a main line Section, but a loop line classified as 'Branch Line Class B'. The expenditure to raise the classification of this Section and increase speed on it cannot be financially justified.

ABSENCE OF AN UNDERGROUND OR OVERHEAD PASSAGE FOR TRAFFIC AT THE NORTH WESTERN RAILWAY NORTHERN CROSSING OF THE LARKANA STATION.

195. ***Mr. Fakir Chand** (on behalf of Mr. Lalchand Navalrai): (a) Is it a fact that there have been complaints for a very long time of the inconvenience caused by the absence of an underground or overhead passage for traffic at the North Western Railway northern crossing of the Larkana station?

(b) Is it a fact that the Railway authorities conceded the necessity of the passage and proposed to construct the passage below the Railway lines at a point opposite the Civil Hospital, provided the Municipality of Larkana contributed a portion of the cost?

(c) Is it a fact that the Larkana Municipality refused to donate for want of a rule or practice and owing to their funds being limited?

(d) Are Government prepared to defray the whole cost of the proposed scheme? If not, why not?

Mr. P. R. Rau: (a) Complaints have been made from time to time of inconvenience caused by level crossing gates within Larkana Station limits being closed for lengthy periods. The matter has lately been under reference with the Senior Government Inspector of Railways who has

agreed to sanction special working rules which will reduce materially the period for which gates have to be closed at present to comply with rules for signalling.

(b) The railway authorities have not conceded the necessity for an underground or overhead passage, but the municipality was advised that the railway was prepared to provide a sub-way or an over-bridge at the cost of the municipality.

(c) I understand no reply has been received from the municipality.

(d) The number of trains on this section has not been increased within recent years and the railway administration is under no obligation to defray the cost of the sub-way or over-bridge or even to share it. The steps which the railway are taking to reduce the period for which the gates have to be closed to comply with existing rules will, it is hoped, remove any reasonable cause of complaint against the Railway.

CLOSURE OF THE NAGPUR DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

196. *Lieut.-Colonel Sir Henry Gidney: Will Government be pleased to state:

(a) the date of and the reasons for the closure of the Nagpur Division of the Great Indian Peninsula Railway;

(b) the number of subordinate and menial employees in the different categories who were, in consequence of this abolition of the Division, either retrenched or demoted;

(c) the number of officers in their different categories—Lower Gazetted and Superior Service Officers—who were in consequence of this abolition of the Division either retrenched or demoted; and

(d) if the answer, to part (c) be nil, the manner in which those officers who were working in this Division were dealt with?

Mr. P. R. Rau: (a) The Nagpur Division was amalgamated with the Bhusawal Division on the 1st April, 1934, for reasons of economy.

(b) Nil. All were absorbed in vacancies.

(c) Nil.

(d) I understand two officers were rendered surplus. One was transferred to the East Indian Railway, and the other was absorbed in a vacancy caused by retirement. The other officers in the Nagpur Division were transferred to the amalgamated Divisional Office at Bhusawal.

Lieut.-Colonel Sir Henry Gidney: Do I understand that by the amalgamation of these two Divisions all the Divisional and Assistant Divisional Officers have been duplicated?

Mr. P. R. Rau: The amalgamation reduces the staff; it cannot duplicate the staff.

Lieut.-Colonel Sir Henry Gidney: Is it not a fact that, on the dissolution of a Division, the Divisional staff becomes surplus?

Mr. P. R. Rau: I have already said that all were absorbed in vacancies.

Lieut.-Colonel Sir Henry Gidney: What vacancies?

DISCONTENT IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

197. *Lieut.-Colonel Sir Henry Gidney: (a) Are Government aware of the discontent that prevails in the Engineering Department of the Great Indian Peninsula Railway regarding the recent reduction in the wages of the gangmen, the reduction in the number of gangmen in each gang, the increase in the distance allotted to Keymen to attend to and the reduction in the number of Keymen on the Great Indian Peninsula Railway?

(b) Is it a fact that conflicting reports have been received regarding the condition of the Permanent Way between Igatpuri and Delhi on the Great Indian Peninsula Railway?

(c) Will Government please state on what grounds they introduced the reforms mentioned in part (a) above?

Mr. P. R. Rau: The Agent, Great Indian Peninsula Railway, reports as follows:

(a) and (c). The reduction in the wages of gangmen is consequent upon the introduction of the revised scales of pay which apply to all staff appointed on or after the 16th July, 1931, in a temporary or officiating capacity.

A number of gangmen in certain gangs has been reduced as a result of job analysis.

An experiment is being tried out on the Nagpur Division, on lengths where there are modern types of steel keys in use, to increase the keymen's beat. No actual reduction in staff has been effected.

No substantial grounds for discontent have become apparent.

(b) A complaint was received from a passenger regarding the bad running of the coach in which he was travelling over a section of the line between Igatpuri and Delhi. The complaint was enquired into and certain portions of the track were given special attention.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the rules controlling the new rates of pay,—the reduction of wages I mean,—are not strictly applied to the date which is given by the Honourable Member, but is being applied to employees who were in service before that date,—July, 1931?

Mr. P. R. Rau: No, Sir; I have no information to that effect.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member be good enough to make inquiries if I state that I have information on that point to the contrary?

Mr. P. R. Rau: If my Honourable friend can give me any specific instances in which he considers that the rules laid down by the Government of India have not been applied, I shall certainly make inquiries.

Mr. B. Das: Is it not a fact that permanent way staff are paid on the daily wage basis and not on the monthly system?

Mr. P. R. Rau: I think permanent way staff are paid on the monthly system.

INCOME-TAX OFFICERS IN BENGAL.

198. *Lieut.-Colonel Sir Henry Gidney: (a) Is it a fact that the Secretary of State for India sanctioned a cadre of 67 Income-tax Officers for a separate service in Bengal, which was started from April, 1922?

(b) Is it a fact that the conditions of service as they appeared from an advertisement issued in the Press by the then Commissioner of Income-tax were:

- (i) that all persons would be required to serve a period of probation which would normally be two years;
- (ii) that all persons would be required to pass the lower and higher standard of Departmental examinations before confirmation, and
- (iii) that the Commissioner of Income-tax reserved to himself the right to vary the terms in respect of any candidates whom he thought fit?

(c) Is it a fact that the Commissioner appointed three persons to the post of Income-tax Officer on Rs. 500 per mensem, the initial pay of the sanctioned scale?

(d) Is it not a fact:

- (i) that the designation of Income-tax Officer was generally given to one who was put in administrative charge of an Income-tax District or Circle;
- (ii) that the other officers who exercised powers of assessment in respect of certain classes of persons and income were all designated as Additional Income-tax Officers; and
- (iii) that an Income-tax Officer was designated as Assistant Income-tax Officer only so long as he had not completed his period of probation and been confirmed as an Income-tax Officer and only so long as he had not been vested with any powers of assessment?

(c) Is it not a fact that the three Officers mentioned in part (c) above and the other Income-tax Officers were originally designated Assistant Income-tax Officers before they had passed the Departmental Examinations?

Mr. A. J. Raisman: With your permission, Sir, I propose to answer question Nos. 198 and 199 together. The information is being obtained and will be laid on the table in due course.

REORGANIZATION OF THE SUPERIOR STAFF OF THE INCOME-TAX DEPARTMENT IN BENGAL.

†199. *Lieut.-Colonel Sir Henry Gidney: (a) Is it a fact that the Government of India ordered the reorganization of the Superior Staff of the Income-tax Department in Bengal with effect from the 1st March, 1927?

(b) Is it a fact that the reorganization scheme fixed the total strength of the service at 37 Income-tax Officers and 50 Examiners of Accounts?

(c) Is it not a fact that the scale of the Income-tax Officers pay under the reorganization was fixed at Rs. 500—50/2—900 with Rs. 450 during the period of probation?

(d) Is it not a fact that on the 28th February, 1927, there were shown in the Civil List of Bengal 37 Income-tax Officers besides 40 Assistant Income-tax Officers who had already been confirmed in that appointment before that date?

(e) Is it not a fact that the reorganization order definitely stated that the existing Assistant Income-tax Officers, who at that date numbered 40, would be counted against their scale of pay Rs. 300—50/2—900 until they were promoted to the rank of the Income-tax Officers or were otherwise provided for?

(f) Is it a fact that the reorganization order was not strictly carried out and that it was not given effect to from the 1st March, 1927, as required in the said order, to the detriment of many of the officers concerned?

(g) Is it a fact:

(i) that the eight senior officers who had already been drawing a pay in excess of the minimum pay of the new scale, i.e., Rs. 500 were denied the option due to them under Fundamental Rules 22 and 23 on transfer to the new scale;

(ii) that three Income-tax Officers were given three rapid increments of Rs. 150 from the 1st March, 1927 to the 1st August, 1928; and

(iii) that three Income-tax Officers were also brought to the new scale of Rs. 500 from Rs. 450 with effect from the 1st March, 1927?

(h) Is it a fact that with respect to the rest of the 23 Income-tax Officers, the Commissioner of Income-tax kept in force the abolished scale until after a year of the date mentioned in the reorganization order?

(i) Is it a fact:

(i) that ten Income-tax Officers were put on the new scale at Rs. 500 per mensem from the 1st February, 1928;

(ii) that 11 Income-tax Officers were placed as Probationary Income-tax Officers from the 1st February, 1928 at a salary of Rs. 450; and

(iii) that two Income-tax Officers were transferred to the new scale with effect from the 2nd June, 1928?

(j) Is it a fact that in reply to representations made to him by the Officers concerned, the Commissioner of Income-tax stated that as they had been appointed to a new scale of pay their previous confirmed service as Income-tax Officers did not count?

(k) Are Government aware that the money placed at the disposal of the Commissioner of Income-tax, Bengal, to meet the increased expenditure consequent to the reorganization order was allowed to lapse by the non-observance of the instructions contained in the said order?

(l) Do Government propose to consider the advisability of removing the hardships caused to these Officers and reimburse the losses incurred by them through the non-compliance of the orders of the Government of India on the subject by the Income-tax Commissioner, Bengal? If not, why not?

SELECTION BOARDS ON THE EAST INDIAN RAILWAY.

200. *Lieut.-Colonel Sir Henry Gidney: (a) Will Government please state whether Selection Boards have been operating on the East Indian Railway for the purpose of making permanent and officiating appointments to selection posts in the Chief Operating Superintendent's Office, the Chief Commercial Manager's Office and the Divisional Offices?

(b) If the answer to part (a) be in the affirmative, will Government please state since when these Selection Boards have been operating in these Offices?

(c) What must be the rank of the Officers who compose such Boards, i.e., Junior Scale, Senior Scale or Deputies?

Mr. P. R. Rau: (a) and (b). Government are informed that owing to retrenchment there has not been occasion for promotions in these offices recently, but selection boards will be formed when necessary.

(c) It is understood that normally Senior Scale Officers compose the Selection Boards.

POSTS OF TRANSPORTATION INSPECTORS SANCTIONED BY THE EAST INDIAN RAILWAY.

201. *Lieut.-Colonel Sir Henry Gidney: (a) Is it a fact that seven posts of the Transportation Inspectors have recently been sanctioned by the East Indian Railway?

(b) Is it a fact that the post of Transportation Inspector is a Selection post?

(c) If the answer to part (b) be in the affirmative, will Government please state whether a Selection Board selected the candidates to fill the newly sanctioned posts?

(d) If the answer to part (c) be in the negative, will Government please state whether claims of other candidates were considered? If not, what action they propose to take in the matter?

Mr. P. R. Rau: (a), (b) and (c). Yes.

(d) Does not arise.

RULES REGULATING THE TRAINING AND PROMOTION OF RAILWAY SUBORDINATES.

202. *Lieut.-Colonel Sir Henry Gidney: (a) With reference to the statement laid on the table regarding the publication of the rules regulating the training and promotion of subordinates, will Government be pleased to state whether the said rules are made available to the subordinates by the respective Departments concerned?

(b) Will Government please state the reason why they do not consider it necessary to publish these rules in the Railway Gazettes?

Mr. P. R. Rau: (a) The Agent, East Indian Railway, reports that the rules for the recruitment and training of subordinate staff were published in the form of an Agent's circular in 1932 and copies are available in all offices for reference purposes.

(b) The Agent explains that the rules are intended principally as a guide for officers competent to make appointments and promotions. As, in his opinion no *bonâ fide* enquirer will have any difficulty in obtaining the information required, by application to the proper official, he considers it unnecessary to publish them in the Weekly Gazette.

Lieut.-Colonel Sir Henry Gidney: With reference to the Honourable Member's reply, I asked for his opinion and not for the Agents or Railway Divisional Officer's: in regard to the other matter, will the Honourable Member inform this House whether or not it is a fact that rules pertaining to training and promotion of officials are published at a nominal cost and are easily obtainable by all officials, who, moreover, are all familiar with those rules?

Mr. P. R. Rau: As regards the first part of the question, I think my Honourable friend has no right to ask for my opinion. As regards the second part, I have some sympathy with his point of view, and the Railway Board propose to discuss with Agents of State-managed Railways in March the best form in which information necessary to the staff can be made available to the staff.

Lieut.-Colonel Sir Henry Gidney: May I ask for a distinct reply to a distinct question—is it or is it not a fact that rules controlling the training and promotion of officials are available to all officials at a nominal cost?

Mr. P. R. Rau: I do not know to what rules my Honourable friend is referring.

Lieut.-Colonel Sir Henry Gidney: The rules regulating the training and promotion of officials.

Mr. P. R. Rau: I am afraid I cannot recognise them from that description.

Lieut.-Colonel Sir Henry Gidney: If copies of these rules are easily obtainable by officials, will the Honourable Member inform this House why it is denied to subordinates whose interests in life are equal?

Mr. P. R. Rau: That is a hypothetical question: but in any case I have informed the House that the Railway Board will discuss in March with Agents of State-managed Railways the best form in which such rules can be made available to the staff.

Lieut.-Colonel Sir Henry Gidney: Will those rules be discussed at the next annual general meeting of the Railway Conference Association or will they be inquired into at once?

Mr. P. R. Rau: It is not a question of the rules being discussed: the form in which the rules should be made available to the staff will be discussed by the Railway Board with Agents of State-managed Railways next month.

Lieut.-Colonel Sir Henry Gidney: I thank you, Sir.

Mr. N. M. Joshi: May I ask whether the word "form" will include the publication of certain rules, or whether all the rules will be published?

Mr. P. R. Rau: All the rules which are necessary for the staff to know.

Mr. V. V. Giri: Does the Honourable Member propose to discuss these rules also at the next meeting of the Railway Board with the All-India Railwaymen's Federation?

Mr. P. R. Rau: There is nothing to prevent the Federation from bringing it up as a subject for discussion with the Railway Board.

GOVERNMENT'S ATTITUDE TOWARDS THE VILLAGE INDUSTRIES ASSOCIATION FOUNDED BY MR. GANDHI.

203. ***Mr. Mohan Lal Saksena:** (a) Is it a fact that the Government of India have issued a circular to the Provincial Governments outlining the policy to be followed by them in regard to the All-India Village Industries Association, founded by Mahatma Gandhi under the auspices of the Indian National Congress?

(b) If so, will Government be pleased to lay on the table a copy of the same?

(c) In case no circular has been issued so far, will Government please state what attitude they propose to adopt towards the aforesaid association?

The Honourable Sir Henry Craik: I invite the Honourable Member's attention to my speech on the adjournment motion on the 21st January and to the replies given to the questions of Mr. Asaf Ali and Mr. Giri.

Mr. Mohan Lal Saksena: What is the reply to part (b)?

The Honourable Sir Henry Craik: I have already replied to that in my answer to Mr. Asaf Ali on the 11th February.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that Mr. Ghuznavi had a copy of that circular?

The Honourable Sir Henry Craik: Yes, I am aware of it: I gave it to him.

Mr. Mohan Lal Saksena: Will the Honourable the Home Member supply all other Members with a copy of the circular?

The Honourable Sir Henry Craik: Not now: but if any Honourable Member had asked for a copy on the day it was debated, I would have gladly supplied it.

Mr. Mohan Lal Saksena: And if they ask for it now?

The Honourable Sir Henry Craik: No.

Munshi Iswar Saran: Will the Honourable Member kindly tell the House if those copies would have been made available to those who, the Honourable Member had reasons to know, would oppose the Indo-British Pact?

The Honourable Sir Henry Craik: Yes, certainly.

Munshi Iswar Saran: And not to those only who would support the Government?

The Honourable Sir Henry Craik: No: I say I would have given a copy to any Honourable Member of the House who applied for one on the day it was debated.

Munshi Iswar Saran: Will the Honourable the Home Member kindly state the reason why it cannot be made available now?

The Honourable Sir Henry Craik: I have already said that it is a matter of principle: the circular is a confidential one which has leaked out by some illicit means, and, as a matter of principle, I am not prepared to lay it on the table or publish it.

Munshi Iswar Saran: Will the Honourable the Home Member kindly state the principle which underlies it? The circular is no longer confidential: it has been given to one Honourable Member of this House?

The Honourable Sir Henry Craik: The principle underlying it is that papers marked confidential must, so far as is possible, be treated as confidential.

Mr. S. Satyamurti: May I ask your ruling, Sir, on the matter? Is it open to the Government to give a copy of a circular to one Honourable Member and not place it on the table of the House?

Mr. President (The Honourable Sir Abdur Rahim): It is not a question for ruling. It is for the Government to decide, in the case of a confidential circular, whether they are prepared to supply copies to Honourable Members who want them.

Sir Muhammad Yakub: Have Government instituted any inquiry to find out how this confidential paper leaked out, because I find that on several occasions important confidential papers from the offices of the Government of India have come to light, and they have formed the subject matter of questions in the Assembly? Do Government propose to make a searching inquiry and find out why this leakage occurs?

The Honourable Sir Henry Craik: Yes: inquiries are being made.

Sardar Sant Singh: May I know if this circular forms part of the proceedings of that day's debate in this House?

The Honourable Sir Henry Craik: That is not for me to say.

Sardar Sant Singh: Will it be published as part of the proceedings of that day?

The Honourable Sir Henry Craik: I do not know.

Mr. B. Das: May I ask for your ruling, Sir, on one aspect of the question? The Honourable the Home Member said after 4 P.M. on the 21st January that he would make a copy of the circular available to any Member who wanted it, but the question was discussed till 6 P.M. How could he now say that we did not ask for copies between those two hours: and so he cannot allow copies to Members thereafter?

Mr. President (The Honourable Sir Abdur Rahim): What is the ruling that the Honourable Member wants?

Mr. B. Das: The Honourable Member pleaded just now that he could not make a copy of the circular available, because he was not asked for it that very day: I say it was impossible for us to ask him to supply copies that day as the debate took place between 4 P.M. and 6 P.M. and he offered to give us copies only after 4 P.M.

Mr. President (The Honourable Sir Abdur Rahim): That is not a point for ruling. It is for the Honourable the Home Member to consider.

Mr. B. Das: I would request you, Sir, kindly to go over that speech and see whether he made the point that a copy of this circular would be made available that very day and on no other day, and whether there was any time for us to ask him for it.

The Honourable Sir Henry Craik: Perhaps I may give some personal explanation, and tell the Honourable Member exactly what happened. During the course of the debate it occurred to me that some Honourable Members might not be in possession of the circular which was being debated, which had been published in some newspapers, of which I noticed that one or two Members had copies and all had not. I, therefore, asked the Secretary in my Department to bring a certain number of copies to this House and to give a copy to any Honourable Member who asked for it, and I understand he gave it to some Members.

Mr. Mohan Lal Saksena: Is the Honourable the Home Member aware that in reply to a question put by me, Mr. Ghuznavi stated that he had received the circular from the same source as the Press?

The Honourable Sir Henry Craik: I am not aware of that.

Mr. M. Asaf Ali: Will the Honourable the Home Member kindly elucidate the position a little further and tell us on what principle and under what circumstances he is prepared to supply confidential documents to the Members of this House?

The Honourable Sir Henry Craik: I have not formulated any principle. This is the only case that has arisen during my Membership of this House, but I can assure the Honourable Member that if, at any time, I consider that it will suit the convenience of Honourable Members to be supplied with copies of the papers and that these papers can be supplied without detriment to the public interest, I should be happy to supply them.

Mr. S. Satyamurti: May I know, Sir, to which Honourable Members copies were supplied on that day, and whether any Honourable Member of the Congress Party was supplied with a copy?

The Honourable Sir Henry Craik: I do not know exactly to which Honourable Members copies were supplied. I did not supply them myself. They were supplied by my Secretary.

Mr. S. Satyamurti: Will you kindly inquire and say to whom they were supplied? Will you kindly supply a copy now?

The Honourable Sir Henry Craik: As I said, I do not know exactly to whom copies were supplied, and I doubt whether my Secretary can now remember to whom he supplied copies.

Mr. Mohan Lal Saksena: One more question, Sir? Will the Honourable the Home Member read Mr. Ghuznavi's speech.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I think the matter has been sufficiently explored. Next question.

ALLEGED PROPAGANDA FOR THE JOINT PARLIAMENTARY COMMITTEE REPORT BY GOVERNMENT SERVANTS.

204. ***Mr. T. S. Avinashilingam Chettiar:** Are Government aware that permanent servants of Government are doing propaganda on behalf of the Joint Parliamentary Committee Report?

The Honourable Sir Henry Craik: According to the Government Servants' Conduct Rules, it is permissible to Government officers to defend and explain in public the policy of Government for the purpose of removing misapprehensions and countering misrepresentations and they have, therefore, taken that action in respect of the proposals contained in the Joint Committee's Report which as the Honourable Member is aware has formed the basis of the new Government of India Bill.

Mr. T. S. Avinashilingam Chettiar: Are Government aware whether the Government Servants' Conduct Rules prohibit Government servants from doing propaganda for any side of political opinion in the country?

The Honourable Sir Henry Craik: No, they are allowed to defend and explain the policy of Government. The Bill founded on the Joint Select Committee's Report is now the policy of the Government.

Sardar Sant Singh: May I know what construction does my Honourable friend place upon the definition of a Government servant in permitting him to take part in the political activities of the country? What definition does he give to the term "political activities" of the country?

The Honourable Sir Henry Craik: I do not think that arises out of this question. In any case, I am not prepared at a moment's notice to give my interpretation of the rule with the phraseology of which I had nothing to do.

Mr. N. M. Joshi: May I know whether it is in accordance with the principle that permanent Government servants cannot take part in the politics of the day?

The Honourable Sir Henry Craik: Yes.

Mr. S. Satyamurti: Have Government considered the deleterious effects on permanent Government servants being drawn into controversial politics?

The Honourable Sir Henry Craik: I don't see how that arises out of the question.

Mr. S. Satyamurti: May I know whether the Joint Parliamentary Committee's proposals are or are not controversial in India today? Do not the Government know it?

The Honourable Sir Henry Craik: Yes. Of course, but the proposals in the Report are now the policy of His Majesty's Government.

Mr. S. Satyamurti: May I know if the Government Servants' Conduct Rules include also the policy of His Majesty's Government and not merely the policy of the Governments in India?

The Honourable Sir Henry Craik: I should say they include the policy of His Majesty's Government so far as it affects India.

Mr. S. Satyamurti: May I know, Sir, whether that is also the policy of the Government of India, in view of the statement of the Honourable the Home Member that the Government of India were overruled by the Secretary of State and the British Parliament in more than one respect, especially in regard to the question of direct elections to the Federal Lower House?

The Honourable Sir Henry Craik: That does not arise out of this question. Obviously, the constitutional position is this. The Government of India is a subordinate Government of His Majesty's Government, and, therefore, they are bound to adopt and carry out the policy of His Majesty's Government.

Mr. M. Ananthasayanam Ayyangar: Will the Honourable the Home Member say whether Government servants can convene and address public meetings?

The Honourable Sir Henry Craik: Will the Honourable Member please speak up?

Mr. M. Ananthasayanam Ayyangar: I want to know whether in carrying on this propaganda, Government servants are allowed to convene and address public meetings?

The Honourable Sir Henry Craik: I have not got a copy of the Rules handy, and I am not certain as to that, but according to the rule they are allowed to defend and explain the policy of the Government.

Mr. M. Ananthasayanam Ayyangar: Can they decide for themselves?

Mr. President (The Honourable Sir Abdur Rahim): Next question.

SIAMESE RICE IMPORTED INTO INDIA.

205. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will Government please state the amount of Siamese rice imported into this country in 1930 and in each year since 1930?

(b) Are Government aware that due to this import a great deal of the locally grown rice in South India is remaining unsold?

(c) What action have Government taken to dispose of the unsold rice or to prevent this foreign import?

Mr. G. S. Bajpai: (a) Imports of Siamese rice into this country were as follows:

1930-31.	1931-32.	1932-33.	1933-34.
Tons.	Tons.	Tons.	Tons.
101	2,292	14,697	57,194

(b) Government have no information.

(c) The matter is already under the consideration of Government.

INDO-BRITISH TRADE AGREEMENT.

206. ***Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state:

(a) whether an Indo-British Trade Agreement has been signed;

(b) if so, the terms thereof; and

(c) the reasons why either the Legislature or the representatives of Indian Trade and Commerce were not consulted before the Agreement was entered into or signed?

The Honourable Sir Joseph Bhore: (a) Yes, Sir.

(b) The Honourable Member is referred to the Agreement, a copy of which has been supplied to him.

(c) I dealt with the point in my speech on the motion that the Indo-British Trade Agreement be taken into consideration and I would refer the Honourable Member to that speech.

Mr. S. Satyamurti: May I ask a supplementary question, Sir? May I know the reasons why the Government of India have ignored the verdict of this House to terminate this Agreement?

The Honourable Sir Joseph Bhore: Because the Government of India consider that it is really in the best interests of India that this Agreement should be maintained.

Mr. S. Satyamurti: Did the Government of India reconsider their position, after the verdict of the House?

The Honourable Sir Joseph Bhore: It is likely, Sir, that the House may reconsider its verdict, when a specific case comes up before it and it is necessary to give effect to the general principles which are embodied in that Agreement.

Mr. S. Satyamurti: I am grateful to the Honourable Member for the compliment he has paid to the House, but what I want to know is this. Did the Government pay this courtesy at least to this House, that, after its verdict, they formally met and considered whether they could accept it or ignore it?

The Honourable Sir Joseph Bhore: The debates in this House were most carefully considered. I can assure my Honourable friend about that.

Mr. S. Satyamurti: Was there any meeting of the Governor General's Council to consider this matter?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says that the debates were carefully considered.

Mr. S. Satyamurti: I want to know by whom, whether by the Governor General in Council?

The Honourable Sir Joseph Bhore: I am not prepared to disclose what took place in the Governor General's Council.

Mr. S. Satyamurti: I want to know whether a meeting took place to consider this question. I am entitled to an answer, Sir.

The Honourable Sir Joseph Bhore: I am not prepared to give any further information on this point.

Mr. S. Satyamurti: I quite see his difficulty.

PROPOSED INDO-BURMA TRADE AGREEMENT.

207. ***Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state:

(a) whether the terms of the proposed Indo-Burma trade agreement will be placed before the legislature for its sanction and approval;

(b) whether the right of Indians resident and trading in Burma will be amply protected; and

(c) whether the opinions of Indians resident in Burma will be given due weight in coming to such an agreement?

The Honourable Sir Joseph Bhore: (a), (b) and (c). I would refer the Honourable Member to the reply given to his short notice question and to the connected supplementary questions on the 4th February last.

Mr. S. Satyamurti: In view of the fact that the Honourable Sir Frank Noyce has been put forward as the representative of Labour, may I ask the Honourable the Commerce Member whether he will reconsider the matter, and whether he will consult any representatives of Indian labour before that part of the convention governing Indian labour in Burma is finally agreed to?

The Honourable Sir Joseph Bhore: If any representative of Indian labour comes to me and places his views before me, I should be only too glad to listen to what he has to say.

Mr. S. Satyamurti: I put only clauses (b) to (f) of question No. 208. Clause (a) has been dealt with already.

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

208. ***Mr. S. Satyamurti:** Will the Honourable the Home Member be pleased to state:

(a) whether it is a fact that a confidential circular has been issued by the Government of India, Home Department, Political, dated November 23, 1934, to all local Governments and administrations on the situation arising out of the decisions of the recent Bombay Congress;

(b) whether the circular was approved by Government as a whole;

(c) the purposes for which the circular has been issued;

(d) the names of the Officers to whom it has been issued;

(e) whether it has been issued only to European Officers and not to Indian Officers; and

(f) whether Government have received any replies to the circular and whether those replies will be placed on the table of this House?

The Honourable Sir Henry Craik: (b) The circular was issued over the signature of the Secretary of the Home Department and it conveys the views of the Governor General in Council.

(d) and (e). It is for Local Governments to decide to what officers it should be circulated, but in this as in other matters neither the Government of India nor Local Governments draw any distinction between Indian and European Officers in deciding to whom a circular shall be distributed.

(f) Some replies have been received but as these replies are like the circular itself, confidential, Government are not prepared to lay them on the table.

Mr. S. Satyamurti: May I know the answer to part (e) of the question:

The Honourable Sir Henry Craik: The answer to part (c) is: I refer the Honourable Member to my speech on the adjournment motion and to the previous replies given on the question.

Mr. S. Satyamurti: May I know how many and which Local Governments have replied to this circular?

The Honourable Sir Henry Craik: I think nearly all of them.

Mr. S. Satyamurti: May I know whether the Madras Government have replied to this circular?

The Honourable Sir Henry Craik: I cannot remember.

WORKING OF THE JOINT PARLIAMENTARY COMMITTEE'S PROPOSALS.

209. ***Mr. S. Satyamurti:** Will the Honourable the Home Member be pleased to state:

(a) whether the Government of India were consulted by the Secretary of State on the possibility of parties or individuals taking the responsibility of working the Joint Parliamentary Committee's proposals;

(b) if so, what their reply was; and

(c) whether in giving that reply, they consulted Indians of any party or political opinion, officially or unofficially, and if so, the names of those Indians?

The Honourable Sir Nripendra Sircar: The answer to part (a) is No.

Parts (b) and (c). Strictly speaking, the answer is, they do not arise, but I may state that the Government of India have been in close touch with the Secretary of State throughout the whole of the discussions leading up to the Constitution Bill now before Parliament. Since the presentation of the report of the Joint Select Committee they have informed the Secretary of State that in their opinion the scheme presented in the Report provided a basis for a Bill which they believed would be workable. Before expressing that opinion the Government of India did not consult persons belonging to political parties in India.

Mr. S. Satyamurti: May I know, in view of the answer to clause (a) of this question being "No", whether the Government of India's attention has been drawn to the Secretary of State's statement and that of Mr. Stanley Baldwin in this morning's papers that they had been assured by Governments in India that the reforms would be worked? May I know if that answer is based on any formal information sent by the Government of India, or is it merely an impression produced on their minds?

The Honourable Sir Nripendra Sircar: The answer to the last portion is "No", and I do not accept the first portion as correct, because I have got here a brief report of what Sir Samuel Hoare is reported to have said. He is reported to have said:

"Critics in India must not be taken to mean that Indians would obstruct the reforms. In the contrary, the Viceroy and all Governors had told him that India would work the reforms."

In this report nothing is said about Government of India.

Mr. S. Satyamurti: May I know if the Government of India never informed the Secretary of State that in their opinion there will be people found in this country to work the reforms?

The Honourable Sir Nripendra Sircar: I think that follows from the answer to the first part, but, if necessary, I again say, "Yes."

Mr. S. Satyamurti: Then may I know when the Government of India, according to the Law Member's reply, informally, as a result of correspondence, gave the impression to the authorities in England that the reforms would be workable, whether they were giving expression to their own opinion, or whether it was arrived at in consultation with any representative Indians, persons or parties?

The Honourable Sir Nripendra Sircar: They had drawn their own inference from facts before them.

Mr. S. Satyamurti: So, may I know that they did not consult any Indian belonging to any school of political thought before giving this opinion or impression to the Government in England?

The Honourable Sir Nripendra Sircar: I have answered once and I give the same answer, and that is, they did not consult.

Mr. S. Satyamurti: May I know the reason why the Government chose not to consult any Indian, and yet informed the British Government that the reforms would be workable?

The Honourable Sir Nripendra Sircar: Because the Government had hundreds of opinions as expressed in speeches, resolutions and writings.

Mr. S. Satyamurti: May I know whether those speeches and writings were not available to the Government in England? May I know where the Government of India come in?

The Honourable Sir Nripendra Sircar: That is a question which ought to be put to the Government in England.

SUPPLY OF BOOKS TO STATE PRISONERS IN PROVINCES OUTSIDE BENGAL.

210. ***Mr. S. Satyamurti:** Will the Honourable the Home Member be pleased to state:

(a) what arrangement has been made to supply the State Prisoners in provinces outside Bengal with books according to their choice;

- (b) what arrangement has been made to accord facilities to the State Prisoners for the supply of books from the public libraries—local and provincial, or other libraries; if none, whether Government propose to make any arrangement in the future;
- (c) whether it is a fact that Government have arranged for the current year (from February 1934 to January 1935) with the Imperial Library Council, Calcutta, to supply regularly books to the State Prisoners and detenus, detained in jails and camps all over India; and have appointed a special officer to deal with, and also granted and allotted a lump sum for the same;
- (d) whether the State Prisoners and detenus concerned have been getting full benefit of the grant thereof; and
- (e) whether there have been complaints received, if any, regarding the non-compliance of the regular supply of the same; if so, the action taken to remedy the said grievance?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to reply to questions Nos. 210, 211 and 212 together. I would invite the Honourable Member's attention to the reply given by me to Mr. V. V. Giri's question No. 185 today. I may add with reference to clause (e) of question No. 210 that the Government of Bengal have recently sanctioned a special grant of Rs. 600 for the employment of an additional clerk to cope with the work of distributing books to detenus and State Prisoners.

Mr. S. Satyamurti: With reference to the answer to clause (d) of question No. 212, may I ask the Honourable the Home Member the reasons why journals like the *Modern Review*, the *Basumati*, and so on, are not supplied to these State Prisoners?

The Honourable Sir Henry Craik: I think I answered that in reply to a supplementary question on Mr. Giri's question No. 185. I said that I was not aware of the reasons, but I would take the matter up, if the Honourable Member so desired, with the Government of Bengal.

Mr. S. Satyamurti: In view of the Honourable the Home Member's answer to an earlier supplementary question, that journals which may have a deleterious effect on the morals of State Prisoners are not supplied, does he contend that Journals like the *Modern Review*, the *Prabasi*, or the *Basumati* would have any such effect?

The Honourable Sir Henry Craik: That is a matter of opinion, but not having read the magazines in question I am not in a position to say.

Mr. S. Satyamurti: Has the Honourable Member never read the *Modern Review*?

The Honourable Sir Henry Craik: No, never. (Laughter.)

Mr. Mohan Lal Saxena: Is he aware that a magazine of the name of the *Modern Review* is being published?

The Honourable Sir Henry Craik: No. (Laughter.)

Mr. S. Satyamurti: A fine Home Member!

Mr. M. A. Jinnah: No wonder that the Home Member goes wrong every time. (Laughter.)

The Honourable Sir Henry Craik: I would go more wrong if I read those papers. (Laughter.)

SUPPLY OF BOOKS TO STATE PRISONERS IN PROVINCES OUTSIDE BENGAL.

†211. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether the Deputy Inspector-General, Criminal Investigation Department, Intelligence Bureau, Bengal, is the only authority to censor and pass books meant for State Prisoners and detenus, detained in far off provinces outside Bengal, thereby causing unusual delay in the censorship and consequently the supply of the books; and
- (b) whether the Superintendents of Jails, the District Superintendents of Police and the District Collectors concerned, have also been authorised to censor and allow books to the State Prisoners and detenus, thereby facilitating supply without unusual delay; if not, whether Government propose to so authorise them now?

NON-SUPPLY OF CERTAIN MAGAZINES TO STATE PRISONERS AND DETENUS.

†212. ***Mr. S. Satyamurti:** (a) Is it fact that magazine like *The Modern Review*, the *Prabasi* and the like are not allowed to the State Prisoners and detenus? If so, will Government be pleased to state reasons therefor, and whether they propose to reconsider the matter?

(b) Is it a fact that *The Uttara*, *The Basumati* and other literary, Bengali monthlies are also not allowed to the State Prisoners and detenus? If so, do Government propose to reconsider their decision in the matter?

(c) Has the *Bharatbarsha* also been prohibited to the State Prisoners and detenus? If so, why? Do Government propose to reconsider their decision in the matter?

(d) If the replies to the first portions of parts (a) to (c) be in the affirmative, will Government please state the reasons why they are not allowed to the State Prisoners and detenus?

(e) Do Government propose to reconsider their decision in the respective cases mentioned in parts (a), (b) and (c), and allow them to State Prisoners and detenus?

LOCKING UP OF CERTAIN STATE PRISONERS DETAINED IN THE TRICHINOPOLY CENTRAL JAIL.

213. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state whether the State Prisoners, Srijuts Trailakyanath Chakravarty, Pratul Chandra Ganguly, Ramesh Chandra Acharya and Rabindra Mohan Sen Gupta, detained in the Trichinopoly Central Jail (Madras) had never till the end of September last been locked up before 8-30 P.M.?

†For answer to this question, see answer to question No. 210.

(b) Have the said State Prisoners since then been locked up in their rooms at 7 P.M.? If so, will Government please state the reason for this new change of lock-up time?

(c) Is it a fact that since the enforcement of the new order, the State Prisoners do not get sufficient time after evening exercises, allowed them for rest, bath prayers and food before lock-up?

(d) Is it a fact that no sooner had the present system of lock-up been enforced than the State Prisoners protested and brought their grave inconveniences to the notice of the authorities and whether the District Collector realising their difficulties, recommended for their continuance of the old system of lock-up?

(e) Is it a fact that the State Prisoners did bring this matter to the notice of the Government of India? If so, do Government propose to remove their grievances and pass orders for the re-introduction and continuance of the old system of lock-up at 8-30 P.M.?

(f) Is it not a fact that in all jails and detention camps sufficient time is always allowed, after evening exercises and before lock-up, for rest, bath, prayer and food?

The Honourable Sir Henry Craik: Under the rules, which have been drawn up for the care and treatment of State Prisoners, all State Prisoners detained in jail are required to be locked up within one hour after the locking up of ordinary prisoners. The State Prisoners in Madras jails, who are accordingly locked up at 7 P.M., have represented against the recent enforcement of this rule. The matter is under consideration with the Government of Bengal.

Mr. S. Satyamurti: Is it or is it not a fact that they were not locked up before September last, before 8-30 P.M.?

The Honourable Sir Henry Craik: I am not sure of the exact date, but I think the Honourable Member is correct that at that time they were not locked up before 8-30 P.M.

Mr. S. Satyamurti: May I know the reason for this change then?

The Honourable Sir Henry Craik: Because the attention of the jail authorities was drawn to this rule which directs that State Prisoners are to be locked up within one hour after the locking up of ordinary prisoners.

Mr. S. Satyamurti: May I know whether the jail authorities have considered that locking up the State Prisoners, an hour and a half earlier than previously, deprives them of the time for exercise, rest, bath, prayers, food, etc.?

The Honourable Sir Henry Craik: I have said that the matter is under consideration in consultation with the Bengal Government.

DIETARY ALLOWANCE TO STATE PRISONERS IN THE MADRAS PRESIDENCY.

214. ***Mr. S. Satyamurti:** (a) Is it a fact that the opinions of the Superintendents of Jails of the Madras Presidency, where State Prisoners have been kept, had been invited as soon as the Bengal State Prisoners

were transferred to the Presidency as to the daily dietary allowance for each State Prisoner and whether the range of recommendation was to vary from Rs. 1-4-0 to Rs. 2 per head per diem?

(b) Did all the Superintendents, supported by officials and non-official visitors concerned, recommend Rs. 2 per diem, with the exception of only one Superintendent who recommended Rs. 1-12-0?

(c) Has the dietary allowance been finally fixed at Rs. 1-4-0 per head per diem notwithstanding all the recommendations?

(d) Were the Bengali State Prisoners kept in jails of the Madras Presidency during 1926-27, allowed Rs. 2 per diem?

(e) Do Government propose to reconsider their decisions as regards the dietary allowance to State Prisoners in the Madras Presidency, and to enhance it?

The Honourable Sir Henry Craik: I would refer the Honourable Member to the replies, given by my predecessor, to Mr. Mitra's question No. 257 on the 8th February and Mr. Bhuput Sing's question No. 609 on the 5th September, 1933, to which I have nothing to add.

Mr. S. Satyamurti: May I know if Government will reconsider their decision in view of the fact that Rs. 1-4-0 per diem is considered inadequate?

The Honourable Sir Henry Craik: It is not considered inadequate by the Local Government.

Mr. S. Satyamurti: But, Sir, may I know if the prisoners' view also has been taken into consideration?

The Honourable Sir Henry Craik: I have no doubt that the Local Government have taken that into consideration.

REVOLUTIONARY CONVICTS IN THE CELLULAR JAIL, ANDAMANS.

215. ***Mr. S. Satyamurti:** Will Government be pleased to state:

(a) the present number of revolutionary convicts, province by province, in the Andamans Cellular Jail, under classifications A, B and C, respectively;

(b) the nature of labour imposed on them under respective classifications;

(c) the special privileges, if any, granted to the political convicts in the Andamans, and

(d) whether the privilege of remaining outside the Cellular Jail, as ticket-of-leave prisoners, has also been extended to the above political convicts just as is usually accorded to the ordinary criminals after serving a few months inside the jail?

The Honourable Sir Henry Craik: (a) The number of terrorist prisoners at present confined in the Cellular Jail, Port Blair, is:

- 62 B and 137 C class from Bengal,
- 1 B and 12 C class from Bihar and Orissa,
- 2 B and 1 C class from Delhi,
- 6 C class from Madras, and
- 6 C class from the Punjab.

There are no A class terrorist prisoners in the Cellular Jail, Port Blair.

(b) The terrorist prisoners in the Andamans are employed on tailoring, weaving, book-binding and press compositing. C class prisoners are also employed on the twisting of coir yarn.

(c) I would refer the Honourable Member to the rules made by the Chief Commissioner, Andamans, for the treatment of terrorist prisoners, a copy of which will be found in the Library of the House.

(d) No.

Mr. S. Satyamurti: With reference to the answer to clause (d), may I know why the privilege of remaining outside the Cellular Jail has not been extended to these prisoners?

The Honourable Sir Henry Craik: That is not the policy of Government—to allow them out in the settlement. The object of sending them to the Andamans was to secure their complete segregation.

Mr. B. Das: With reference to part (a) of the question, may I know if the figures include the recent batch of political prisoners that were drafted from Bengal to the Andamans?

The Honourable Sir Henry Craik: Yes, they do include the recent batch.

SOLDIERS REQUISITIONED FOR THE SUPPRESSION OF TERRORIST MOVEMENT IN BENGAL.

216. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state the total number of soldiers specially requisitioned for the suppression of the terrorist movement in Bengal?

(b) What is the nature of the duties assigned to them?

(c) Have the aforesaid soldiers visited and marched throughout the length and breadth of Bengal?

(d) Have the receptions everywhere been spontaneous or otherwise?

(e) Have Government ascertained the notions and wishes of the people as to the presence of these soldiers in their midst?

(f) Is it a fact that so many villages, especially in the Midnapore District, have been deserted at the news of the approach of the soldiers, and if so, how many villages?

(g) Is it incumbent on the people to accord reception to the soldiers?

(h) What is the number of schools, colleges, hostels, and other public institutions, as well as private houses, ordered to be vacated to make room for the quartering of these soldiers, temporarily or otherwise?

(i) Will Government please state whether all the various measures, including quartering and route marches of the soldiers, etc., adopted by Government to counteract and suppress the terrorist activities, have had the desired effect in making the people more and more loyal?

The Honourable Sir Henry Craik: (a) The additional garrison in Bengal amounts to seven battalions of infantry.

(b) They are primarily a reserve of strength behind the civil power, and their duties are solely in aid of the civil power. They may afford their aid by means of flag marches, by providing cordons, while the police are conducting searches, or in other ways as the local situation requires.

(c) The following districts have been visited from time to time: Dacca, Mymensingh, Noakhali, Tippera, Bakarganj, Chittagong, Rangpur, Jalpaiguri, Bogra, Dinajpur, Malda, Pabna, Bankura, Burdwan, Hooghly, Murshidabad, Nadia, Midnapur, Howrah and Birbhum.

(d) The troops have in general been cordially welcomed.

(e) If by this is implied previous consultation with the people, the answer is in the negative.

(f) No.

(g) There has been no compulsion but the people have always been given the opportunity to do so.

(h) According to the reports received by the Local Government, one school has been commandeered to provide accommodation for troops. Several such premises have been occupied from time to time for short periods but this has been by arrangement.

(i) The deputation of troops to Bengal has undoubtedly had the effect of greatly improving the general situation in regard to terrorism.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, may I know what is the information on which the Government state that on the whole they have been received well?

The Honourable Sir Henry Craik: That is the information supplied to me by the Bengal Government.

Mr. S. Satyamurti: With reference to clause (e) of the question, may I know whether, after these marches, Government have in any way ascertained the opinions and wishes of the people?

The Honourable Sir Henry Craik: I should imagine that Government have full reports as to the effect of the marches from the local authorities.

Mr. S. Satyamurti: I am not talking of the effect. I want to know whether the Government have ascertained the wishes of the people as to the presence of these soldiers in their midst.

The Honourable Sir Henry Craik: I cannot say as to that, but I know that certainly large sections of the people desire to retain the troops there.

Mr. S. Satyamurti: Are they compelled to attend these marches?

The Honourable Sir Henry Craik: I have dealt with in reply to the substantive question. Part (d) of the question was "Have the reception everywhere been spontaneous or otherwise". My reply was "The troops have in general been cordially welcomed".

Mr. S. Satyamurti: With reference to the answer to clause (f) of the question, have Government made any enquiries on this matter since the receipt of this question?

The Honourable Sir Henry Craik: Yes, the Local Government have certainly made enquiries.

Mr. S. Satyamurti: Are they satisfied that no people in any village deserted at the news of the approach of the soldiers?

The Honourable Sir Henry Craik: They are so satisfied.

Mr. S. Satyamurti: With reference to clause (g) of the question, may I know if, apart from the report of the Bengal Government, the Government of India have any information as to the effect of these marches in Bengal?

The Honourable Sir Henry Craik: I have visited myself two districts in which troops are at present, and I have had some opportunities of forming my own opinion.

Mr. S. Satyamurti: Have Government not been impressed by the fact that the people have become sullen and angry, because of this exhibition of counter terrorism?

The Honourable Sir Henry Craik: We have no information to that effect.

Mr. Mohan Lal Saksena: Are Government aware of the adverse comments of, and complaints in, the Bengal papers?

The Honourable Sir Henry Craik: I am.

Mr. Mohan Lal Saksena: Have Government taken any steps to make inquiries into the allegations made?

The Honourable Sir Henry Craik: As to the truth of the comment? No.

Mr. Mohan Lal Saksena: Do Government propose to take any steps now to find out if the comments in the Bengal papers are true?

(No answer.)

†217*.

†This question was withdrawn by the questioner.

DUMPING OF WHEAT INTO INDIA.

218. ***Prof. N. G. Ranga:** Will the Honourable the Commerce Member be pleased to state:

- (i) when the dumping of wheat into this country was first noticed by Government;
- (ii) the nature of the representations received by Government from peasants and others for protection against dumping; and
- (iii) what steps have been taken so far by Government to help the peasants?

Mr. G. S. Bajpai: (i)—(iii). As the Honourable Member is aware, an import duty of Rs. 2 per cwt. has been in force on wheat since the 1st April 1931. The circumstances in which the duty came to be imposed will be found explained in the speech of Sir George Rainy delivered in this House on the 31st March, 1931, on the motion that the Wheat Import Duty Bill be taken into consideration.

Prof. N. G. Ranga: Have Government decided to continue this duty for next year?

Mr. G. S. Bajpai: My Honourable friend knows perfectly well that that question cannot be answered.

ASSESSMENT WITH EXCISE DUTY OF SUGAR FACTORIES IN THE INDIAN STATES.

219. ***Seth Haji Abdoolo Haroon:** (a) Will Government be pleased to state how many sugar factories are there in the Indian States?

(b) Are these factories assessed by the Government of India with excise duty according to the Sugar Excise Duty Act, 1934?

(c) If the answer to part (b) above be in the affirmative, what amounts have each of them paid, and to what States?

Mr. A. J. Raisman: (a) Information is being collected and will be laid on the table of the House in due course.

(b) No.

(c) Does not arise.

LIST OF CALCUTTA FIRMS RECOMMENDED TO THE SUPERINTENDENTS OF JAILS ACCOMMODATING STATE PRISONERS AND DETENUS.

220. ***Mr. V. V. Giri:** (a) Is it a fact that two lists, one "desirable" and the other "undesirable" of Calcutta firms have been issued to the Superintendents of Jails, where State Prisoners and detenues are lodged, for their guidance in placing orders for articles of daily necessities? If the reply is in the affirmative, will Government be pleased to lay a copy of the said lists on the table?

(b) Will Government be pleased to state whether it is a fact that instructions have been issued to the Superintendents of Jails not to place orders with firms which have not been included in the "desirable" list, although not coming under the "undesirable" list?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to reply to questions Nos. 220 and 221 together. There are no State prisoners detained in jail in Bengal, and hence, no orders have been issued regarding the manner in which orders for articles required by them shall be placed. As regards persons detained under the Bengal Criminal Law Amendment Act, it is understood that certain orders or executive instructions have been issued on this point by the Government of Bengal which has full discretion to issue such orders.

Mr. S. Satyamurti: What are the reasons on which certain firms are considered "undesirable"?

The Honourable Sir Henry Craik: That is the decision of the Government of Bengal, in which they use their discretion.

LIST OF CALCUTTA FIRMS RECOMMENDED TO THE SUPERINTENDENTS OF JAILS
ACCOMMODATING STATE PRISONERS AND DETENUS.

†221. ***Mr. S. Satyamurti:** (a) Is it a fact that two lists, one "desirable" and the other "undesirable" of Calcutta firms, have been issued to the Superintendents of Jails, where State prisoners and detenus are kept, for their guidance in placing orders for articles of daily necessities meant for State Prisoners and detenus? If so, will Government be pleased to lay the said lists on the table of this House?

(b) Will Government please state the reasons for considering certain firms as undesirable?

(c) Have the Superintendents been instructed to place orders with firms mentioned in the "desirable" lists (which contain only about a dozen or so names and hence far from being at all exhaustive) and those alone and not to use their discretion at all in placing orders, however urgent they might be, with firms beyond the said desirable list, even in the face of their being in the undesirable list?

(d) Is it a fact that the orders are invariably placed by the Superintendents in their names and official capacity only, and that all articles are invariably subject to their personal examination before delivery to the State prisoners? If so, are the Superintendents authorised to place orders direct with any firm not included in either of the lists?

UNSTARRED QUESTIONS AND ANSWERS.

ALLEGED IRREGULARITIES OF THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

15. **Mr. Sham Lal:** (a) Has the attention of Government been drawn to the facts of a case published on pages 4 to 9 of the *Cantonment Advocate* for February 1934, under the heading "Unadulterated autocracy"?

(b) Are the facts as stated in the article correct? If not, what are the true facts of the case?

†For answer to this question, see answer to question No. 220.

(c) Is it a fact that the All-India Cantonments Association has represented the case to Government and pointed out the following irregularities:

(i) that there was no valid order of the Command under section 52 (1) (b) of the Cantonments Act inasmuch as the order was not signed by the General Officer Commanding-in-Chief, Northern Command;

(ii) that the Executive Officer issued orders actually suspending the Resolutions, though the Northern Command's telegram merely informed the Cantonment authority of its intention to suspend these Resolutions if passed by the Board, and the Resolutions in question had not been actually suspended at that time.

(iii) that the Executive Officer sent a telegram to the General Officer Commanding-in-Chief, Northern Command, asking him not to admit the appeal of the party concerned against the order of demolition; and

(iv) that though the orders were addressed to Cantonment Board, Ambala, the Executive Officer took what action he thought fit to take without consulting the Board on any occasion?

(d) What action have Government taken to put right the above irregularities and to prevent their recurrence in the future?

(e) What was the reason of the General Officer Commanding-in-Chief, Northern Command, for issuing the order under section 52 (1) (b)?

(f) Was the Cantonment Board given an opportunity to explain why these Resolutions be not rescinded? If not, will Government please state the reasons for not doing so?

Mr. G. R. F. Tottenham: Government have already fully considered the case of Messrs. Bansi Lal Behari Lal of Ambala Cantonment to which the article quoted in paragraph (a) of the question particularly related. They have expressed their views in the statements which were laid on the table on the 2nd April and 19th July, 1934, when giving the information promised in reply to unstarred questions Nos. 67, 69, 70 and 73, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934. I also now attach a copy of the Government's reply to the All-India Cantonments' Association on the subject, dated the 8th June, 1934. They do not consider it necessary to re-open the matter.

Copy of a letter from the Secretary to the Government of India, Army Department, to the Honorary Secretary, All-India Cantonments Association, Ambala, No. 259-R/A. D-4, dated the 8th June, 1934.

Executive Officer's responsibility towards the Cantonment Board.

With reference to your letter No. 5371-A. C., dated the 24th May 1934, I am directed to say that the Government of India have already fully considered the case of Messrs. Bansi Lal Behari Lal of Ambala Cantonment in connection with the representation made by your Association in its letter No. 4429-A. C., dated the 3rd February, 1934, and the questions asked by Khan Bahadur Haji Wajihuddin in the last Session of the Legislative Assembly. They are of opinion that the action taken in that case was proper and that the Executive Officer would have failed in his duty if he had acted otherwise. Under section 24 of the Cantonments Act, the Executive Officer is responsible for carrying out all the duties imposed upon him by or under the Act, and consequently he is bound to carry out the orders of the General Officer Commanding-in-Chief the Command, under the Act, without unnecessary delay. Such orders do not always require to be confirmed by the Cantonment Board before they are carried out.

SEPARATION OF THE SADAR BAZAR, AMBALA, FROM THE CANTONMENT AREA.

16. **Mr. Sham Lal:** (a) Will Government be pleased to state the objects and reasons which have led them to separate the Sadar Bazar, Ambala, from the Cantonment?

(b) Have Government under contemplation the separation of the Sadar Bazar in any other Cantonment, and if so, where and when is the separation likely to come off?

(c) Have Government received any representation from the people of any Cantonment, asking for the Sadar Bazar to be separated from the Cantonment? If so, from which Cantonment has such a request been received and how have Government disposed of it?

Mr. G. R. F. Tottenham: (a) The attention of the Honourable Member is invited to the full reply that I gave to parts (a) and (b) of unstarred question No. 113, asked by Khan Bahadur Haji Wajihuddin on the 3rd March, 1934.

(b) Not at present.

(c) No.

COFFEE SHOP CONTRACTORS IN REGIMENTS.

17. **Mr. Sham Lal:** (a) How are appointments of Coffee Shop Contractors made in Regiments?

(b) Are there any rules governing such appointments, and if so, wherefrom can the same be obtained by the public?

(c) What are the functions of a Coffee Shop Contractor?

(d) Is sub-letting of business permitted to Coffee Shop Contractors, and if not, are Government aware that almost every Coffee Shop Contractor sub-lets a number of the branches of his business and in those cases he is only a channel for making certain supplies to the troops?

(e) Who controls 'hawking' in Regimental Lines? Are hawking passes issued through or on the recommendation of the Coffee Shop Contractor?

(f) What are the reasons for using this medium?

Mr. G. R. F. Tottenham: (a) By selection by Officers Commanding.

(b) Yes. "Rules for the Management of Station and Regimental Institutes" may be purchased from the Manager, Government of India Central Publication Branch, Delhi.

(c) To supply all goods (other than those supplied by the Indian Army Service Corps or the Government Farms and Dairies) for purchase by troops.

(d) There is no objection to the sub-letting of bicycle shops, tailor's or shoe-maker's shop contracts, or *dhobie* and barber contracts.

(e) and (f). The Officer Commanding controls hawking in regimental lines and passes are issued by the President, Regimental Institutes.

INTRODUCTION OF 'COUPON SYSTEM' BY THE COFFEE SHOP CONTRACTORS IN CANTONMENTS.

18. **Mr. Sham Lal:** (a) Is it a fact that Coffee Shop Contractors have introduced what is known as 'Coupon System' and that under this system 'Coupons' of various values are given to soldiers to enable them to make purchases from the Coffee Shop and that the value of all such Coupons issued is realised from the soldiers concerned at the time of the disbursement of their salary?

(b) Are Government aware that by this system the local trade of Cantonments is prejudicially affected, for the soldiers find themselves compelled to make purchases only from the Coffee Shop Contractors?

(c) Is it a fact that the 'Piggery Institute' was put out of bounds for troops at Sabathu in the summer season of 1934? If so, why?

(d) Do Government propose in the interests of the soldiers to abolish the 'Coupon System' and stop the practice of putting local shops out of bounds?

Mr. G. R. F. Tottenham: (a) No.

(b) and (d). Do not arise.

(c) Government are not aware of the existence of a "Piggery Institute" in Subathu.

PROSECUTIONS INSTITUTED BY THE EXECUTIVE OFFICER, MEERUT CANTONMENT, AGAINST CERTAIN GHEE SELLERS.

19. **Mr. Sham Lal:** (a) Is it a fact that the Executive Officer, Meerut Cantonment, instituted prosecutions against four *ghee*-sellers for adulteration of *ghee* without obtaining the sanction of the Cantonment Board?

(b) Are Government aware that these prosecutions were subsequently withdrawn by the Executive Officer after charging some composition fee from the *ghee*-sellers for compounding their offences, and this also was done without the knowledge and sanction of the Cantonment Authority?

(c) Is it a fact that under their Circular No. 1165 AD. 4., dated the 1st April, 1930, Executive Officers have been prohibited by Government to institute prosecutions in any circumstances under section 25 of the Cantonments Act? Is it a fact that this is the only section authorising the Executive Officer to exercise the powers of the Cantonment Board in certain cases?

(d) Is it a fact that a non-official member has tabled a motion of protest against this action of the Executive Officer?

(e) Do Government propose to take any further action to effectively stop the practice of Executive Officers instituting prosecutions without any reference to the Board?

Mr. G. R. F. Tottenham: The information has been called for and a reply will be laid on the table in due course.

REFUSAL BY THE EXECUTIVE OFFICER, AMBALA, OF AN OFFER OF CO-OPERATION BY THE NON-OFFICIAL MEMBERS OF THE CANTONMENT BOARD DURING THE OUTBREAK OF CHOLERA.

20. **Mr. Sham Lal:** (a) Are Government aware that in August 1934, when there were a few cases of cholera in Ambala Cantonment, the

Cantonment General Hospital was converted into a Military Hospital and put under the command of Captain Reed, I.M.S. ?

(b) Is it a fact that a non-official member of the Board asked the Executive Officer to inform him of the special measures taken under section 151 of the Cantonments Act, of the rules framed thereunder to carry out those measures, of the patients admitted to the cholera huts and the number of such huts erected and the arrangements made therein to accommodate suspected cholera patients, and that the Executive Officer refused to supply that information ?

(c) Are Government aware that some of the non-official members of the Board offered their co-operation in explaining the measures to the people and to persuade them to adopt the same, but the Executive Officer wrote to them that the only co-operation he wanted from the non-official members was that they should keep out of his way ?

(d) Are Government aware that such a response to an offer of co-operation was greatly resented by the non-official members ?

(e) Do Government propose to take steps to stop such acts on the part of an Executive Officer ?

Mr. G. R. F. Tottenham: Questions Nos. 20, 21 and 22 are answered together.

Government have no detailed information as regards various parts of questions Nos. 20 and 21. They have, however, seen the article published in the *Cantonment Advocate* for October, 1934, under the heading 'Abuse of section 151' referred to in question No. 21, and have also received a representation from the All-India Cantonments' Association, complaining against the removal of a woman suffering from cholera to the Cantonment General Hospital at Ambala and her treatment there against her wishes. I presume that this is the case to which the Honourable Member is referring to in part (b) of question No. 22. As a result of the enquiries made in the latter case, Government have ascertained that the woman was very ill with cholera and her husband refused to send her to the hospital. The Medical Officer in charge of the hospital, which is a well equipped and up to date institution, considered her condition to be a menace to the health of the population of the Cantonment including the troops, and, therefore, issued an order in writing under section 175 of the Cantonments Act directing her to attend the hospital. Her husband refused to bring her to the hospital and it was then proposed to issue an order under section 176 of the Cantonments Act directing the woman to leave the Cantonment. The local civil authorities, however, objected to the probable spread of cholera in civil areas which might have resulted from such a course of action. Thereupon the Cantonment Magistrate issued an order to the woman to go to the hospital and she was taken there under a police escort. She was lodged in one of the infectious huts in the compound of the hospital which have water-tight roofs, cemented floors and electric lights. There are two such huts in the compound and they were considered suitable for the purpose by the Medical Officer. The Medical Officer also had sufficient tents and *chouldaris* to meet requirements if the necessity arose.

A non-official member of the late Cantonment Board of Ambala was found inside the hospital wards interfering with the patients and the work of the staff. As there was a grave risk of his spreading infection, he was ordered to leave and not to re-enter the hospital. He then asked the

Medical Officers to allow a local medical practitioner to attend the hospital and treat the woman, but the Medical Officer did not consider it advisable to allow the patient to be treated by an outside doctor.

Government consider that the Medical Officer was unquestionably right, in the interests of public health, in compelling the patient to come to his hospital. It is equally clear that no private practitioner has a claim to treat his patients in an official hospital. It is possible that, in ordinary circumstances and if time had permitted, the Medical Officer might have come to some arrangement with the private practitioners, but there was a grave danger of a serious outbreak of cholera in the Cantonment at the time and the Government have no doubt whatever that he acted in what he considered to be the best interests both of the woman herself and the population at large.

MEASURES TAKEN BY THE EXECUTIVE OFFICER, AMBALA, WITHOUT THE KNOWLEDGE AND PERMISSION OF THE CANTONMENT AUTHORITY DURING THE OUTBREAK OF CHOLERA.

†21. **Mr. Sham Lal:** (a) Has the attention of Government been drawn to the article published under the heading "Abuse of section 151" on pages 16 and 17 of the *Cantonment Advocate* for October, 1934 ?

(b) Is it a fact that the Executive Officer, Ambala, sent a telegram to the Northern Command asking for a "free hand" to take all necessary steps agreed to by the Station Commander to combat the threatened outbreak of cholera in the Ambala Cantonment ?

(c) Are Government aware that the Northern Command sanctioned taking whatever steps the Executive Officer thought necessary in consultation with local police and civil authorities ?

(d) Will Government be pleased to state the Section of the Cantonments Act under which this general sanction was given by the Northern Command ?

(e) Is it a fact that the above sanction was given under section 151 of the Cantonments Act, and if so, are Government aware that the section requires the General Officer Commanding-in-Chief the Command to specify the special measures to be taken and to secure the previous approval thereof of the Local Government ?

(f) Was the sanction of the Local Government taken in this case ? If not, what was the urgency under which it was dispensed with ?

(g) Is it a fact that the above general sanction was given by the Northern Command merely on a report by the Executive Officer of the prevalence of cholera at Kalka, a distance of over 40 miles from the Ambala Cantonment ?

ALLEGATIONS AGAINST THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

†22. **Mr. Sham Lal:** (a) Is it a fact that the wife and daughter of a respectable citizen were removed from their house at dead of night by the police, requisitioned by the Executive Officer, Ambala Cantonment, to a miserable hut standing in the midst of thick weeds in a corner of the compound of the Cantonment General Hospital ?

(b) Is it a fact that another female patient suspected to be suffering from cholera was removed to another hut and remained there without any treatment for more than 24 hours, as she was not allowed to take the medicine prescribed by Dr. B. K. Mukerji, a leading medical practitioner of the Cantonment, in whom she had great faith?

(c) Are Government aware that Dr. B. K. Mukerji offered to examine her in the hospital in the presence of the Doctor in charge and to give medicine with his consultation?

(d) Is it a fact that the Cantonment General Hospital is very poorly equipped and as a result, the patient could not have the costly medicine not available in the Hospital which was considered very efficacious for the disease?

(e) Are Government aware that the Executive Officer stopped the sale and import of a number of vegetables and fruits and later when approached by the dealers concerned, he lifted the ban in the case of some on his own authority?

(f) Will Government be pleased to state under what section of the Cantonments Act the Executive Officer was empowered to take all the measures referred to above?

(g) Is it a fact that he took those measures under section 25 of the Cantonments Act, and if so, did he obtain the concurrence of the President and the Vice-President beforehand, and did he ever report the measures to the Cantonment Authority? If so, in which meeting and under what item of the agenda?

(h) How many cases of cholera occurred altogether in the Cantonment?

(i) Are Government aware that such arbitrary acts lead to corruption?

(j) Do Government propose to take steps to stop these irregularities in the future?

GRIEVANCES OF THE PIGGERY OWNERS IN CANTONMENTS.

23. **Mr. Sham Lal:** (a) Has the attention of Government been drawn to an article published on pages 6—10 of the *Cantonment Advocate* for July, 1934, under the heading "Piggery Owners Grievances"? If so, what have Government done to redress the grievances detailed therein?

(b) Is it a fact that the Piggery Owners Association requested the Quartermaster General in India for an interview to lay before him their legitimate grievances?

(c) Is it a fact that the Quartermaster General in India referred them to see the Army Commanders and the latter replied that no useful purpose would be served by an interview?

(d) Are Government aware that Piggery-Owners in the past have rendered valuable services to the troops and have constructed Piggeries in the Cantonments at a considerable cost and are running them under the direct control of the Cantonment Health Officer?

(e) Is it a fact that the Coffee Shop Contractor demands 'heavy rebates', failing which he imports 'Piggery produce' from outside for the use of the troops?

(f) Do Government propose to give the Piggery-Owners an opportunity to lay their grievances before responsible authorities for the protection of their interests?

Mr. G. R. F. Tottenham: (a) Government have seen the article.

(b) to (d). Yes.

(e) Government have no information.

(f) Government see no reason to interfere in the matter.

CIVILIAN EXECUTIVE OFFICERS WORKING IN CANTONMENTS.

24. **Mr. Sham Lal:** (a) Will Government be pleased to state how many civilian Executive Officers are at present working in the Cantonments of India and how many of them have already reached the age of 55 and are still kept in service?

(b) Will Government please state the reasons in each case for allowing the Executive Officer to continue in service after attaining the age of 55?

(c) Do Government propose to issue orders that those Executive Officers who have reached the age of 55 be made to retire?

Mr. G. R. F. Tottenham: (a) and (b). The number is 33. As regards the second part of (a) and part (b) Government have no information. The appointments are made by General Officers Commanding-in-Chief, Commands.

(c) Under rule 18 of the Cantonment Fund Servants' Rules, 1925, Civilian Executive Officers are not retained after attaining the age of 55 years unless the services of an individual officer are required by the local authorities beyond that age. Government see no reason to alter this rule.

REORGANISATION SCHEME OF CANTONMENTS.

25. **Mr. Sham Lal:** (a) Have Government prepared a Reorganisation Scheme of the Cantonments? If so, what are its main features?

(b) At what stage is the scheme, and when is it likely to be introduced?

(c) What will be its effect on Cantonment Administration?

(d) Is it a fact that a new cadre of civilian Executive Officers will be constituted under the scheme? If so, how will these men be recruited, what will be their emoluments; and who will bear the cost of their salary?

(e) What will be the effect of the scheme on the existing civilian Executive Officers? How many are these altogether?

Mr. G. R. F. Tottenham: (a) to (e). A scheme for the reorganization of the Cantonments Department has been under consideration for some time but no final decisions have yet been reached. There are 36 Civilian Executive Officers altogether in India and Burma.

VIEWS ABOUT DEMOCRACY AND AUTOCRACY ALLEGED TO HAVE BEEN EXPRESSED BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

26. **Mr. Sham Lal:** (a) Has the attention of Government been drawn to an article published on pages 17—21 of the *Cantonment Advocate* for the month of September, 1934, under the caption 'Corporation Sole Defended'?

(b) Have Government seen the views expressed about democracy and autocracy expressed by Major G. R. Dowland, Executive Officer, Ambala, in the extracts quoted in the article from his letter to the Editor?

(c) Do they represent the official view about 'Corporation Sole' in Cantonments?

(d) Do Government rules permit Government servants like the Executive Officer, Ambala, to express views on political questions?

(e) If the views expressed be not the official Government views, do Government propose to make it clear by issuing a *communiqué*, or by some other method?

Mr. G. R. F. Tottenham: (a) and (b). The answer is in the affirmative.

(c) The answer is in the negative.

(d) The views of the Executive Officer were not expressed officially but in a private letter to a certain member of the Cantonment Board and were not intended for publication.

(e) Does not arise.

GOVERNMENT LAND TRANSFERRED TO THE SADAR BAZAR MUNICIPAL COMMITTEE, AMBALA.

27. Mr. Sham Lal: (a) Will Government be pleased to state on what terms the Government land in the Sadar Bazar, Ambala, has been transferred to the Sadar Bazar Municipal Committee, as a result of the separation of the Bazar from the Cantonment?

(b) Who is the authority to receive, deal with and ultimately dispose of the application for leasing the plots of this land?

(c) Has any land in the Sadar Bazar been given on lease after separation? If so, to whom and for what purpose?

Mr. G. R. F. Tottenham: (a) The rights of the Government of India in the land in the Sadar Bazar, Ambala, have been transferred to the Government of the Punjab.

(b) and (c). In view of the answer to part (a), the matter is no longer the concern of the Government of India and they have no information with regard to it.

AMOUNT GIVEN TO THE SADAR BAZAR MUNICIPAL COMMITTEE FROM THE CASH BALANCE IN THE CANTONMENT FUND, AMBALA.

28. Mr. Sham Lal: (a) Will Government be pleased to state:

(i) the cash balance in the Cantonment Fund, Ambala, on the 1st October, 1934, when the Sadar Bazar was separated from that Cantonment;

(ii) the amount which was given to the Sadar Bazar Municipality; and
(iii) how the ratio of division was arrived at?

(b) Is it a fact that on population basis, the ratio comes to two for Sadar Bazar and one for Cantonment?

(c) Did the All-India Cantonments Association represent to Government that the Terminal Tax and the Assets be divided between the Sadar Bazar Municipality and the Cantonment in that ratio? If so, on what grounds was that ratio rejected?

(d) Are Government aware that as a result of the arrangement made the Sadar Bazar Municipal Committee got very little money out of the Cash Balance of the Cantonment Fund?

(e) Do Government propose to alter the ratio to the one suggested by the All-India Cantonments Association and adjust the allotments accordingly?

Mr. G. R. F. Tottenham: I have called for information and will lay a reply on the table in due course.

RETENTION OF EXECUTIVE OFFICERS IN ONE CANTONMENT FOR A LONG PERIOD.

29. Mr. Sham Lal: (a) Has the All-India Cantonments Association addressed Government on the subject of the desirability of not allowing Executive Officers to remain in one Cantonment for more than three continuous years?

(b) Is it a fact that ordinarily a Government servant in the civil department is not allowed to remain at one place for more than three years?

(c) Do Government propose to adopt this practice in the case of Executive Officers in Cantonments?

Mr. G. R. F. Tottenham: (a) The answer is in the affirmative.

(b) There is no rule to this effect.

(c) Executive Officers of the Cantonments Department are ordinarily not retained in one cantonment for more than three years. It is not possible to follow this practice in the case of Civilian Executive Officers as they are local fund servants and are not subject to transfer. The question of making them liable to be posted or transferred to any cantonment in India or Burma is under consideration and the All-India Cantonments Association have been informed accordingly.

ORDERS ISSUED UNDER SECTION 52 (1) (b) OF THE CANTONMENTS ACT.

30. Mr. Sham Lal: (a) Is it a fact that Government of India have issued instructions that orders issued under section 52 (1) (b) of the Cantonments Act, 1924, would be valid if signed by the General Officer Commanding-in-Chief himself or if a copy thereof, duly attested by some staff officer, is sent to the Cantonment Authority concerned?

(b) If so, will Government please state when the above instructions were issued?

(c) Are Government aware that even now the above orders are being signed by the Inspecting Officer, Military Lands and Cantonments, 'for' the General Officer Commanding-in-Chief?

(d) Do Government propose to stop this practice, and if so, what steps do they propose to take in the matter?

Mr. G. R. F. Tottenham: (a) and (b). The attention of the Honourable Member is invited to the reply given to part (h) of question No. 119 asked by Khan Bahadur Haji Wajihuddin in the Legislative Assembly on

the 3rd March, 1934. To make the position even clearer, further instructions were issued on November 20th, 1934, to the effect that it would be better if directions by the Officer Commanding-in-Chief, the Command, under the section in question, were made in writing, even though the Act does not explicitly require it.

(c) Government have no reason to believe so.

(d) Does not arise.

MOTIONS RULED OUT OF ORDER BY THE PRESIDENT OF THE CANTONMENT BOARD, KIRKEE.

31. **Mr. Sham Lal:** (a) Are Government aware that two elected members of the Cantonment Board, Kirkee, brought forward two motions, one proposing that all letters received during a month from the Government of India and General Officer Commanding-in-Chief be placed in the Board's meeting of that month for the information of the members, and the other proposing that copies of the Government Gazette, received in the Cantonment Authority's Office, be circulated to the members for their perusal?

(b) Is it a fact that both the above motions were ruled out of order by the President? If so, why?

(c) Has the All-India Cantonments Association made a representation to Government that the action of the President in ruling the above *bona fide* motions out of order was not only an abuse of his powers but also a hindrance to the growth of co-operation and good understanding between the President and non-official members?

(d) Do Government propose to take action to stop such use of his powers by the President?

Mr. G. R. F. Tottenham: (a) and (c). The answer is in the affirmative.

(b) The answer to the first part is in the affirmative. As regards the second part, the President relied upon the provisions of section 242 of the Cantonments Act, 1924.

(d) Government have already issued such instructions as were necessary to the President, Cantonment Board, Kirkee.

CONSTITUTION OF AN ELECTED BOARD IN THE PACHMARHI CANTONMENT.

32. **Mr. Sham Lal:** (a) Are Government aware that Pachmarhi Cantonment in the Central Provinces has a permanent civil population of 4,500 in the winter and this population exceeds 5,000 in the summer?

(b) Is it a fact that in spite of the above population, Pachmarhi Cantonment has not been given the right of having an elected Board?

(c) Are Government aware that the Pachmarhi Cantonment civil population has a fairly large element of educated and public spirited persons carrying on trade, banking, legal practice and general business?

(d) What reasons have Government to advance for not constituting an elected Board there?

(e) Are Government aware that under the altered conditions people of Pachmarhi feel unnecessarily slighted in being deprived of the right of having an elected Board?

(f) Do Government propose to constitute an elected Board in Pachmarhi?

Mr. G. R. F. Tottenham: (a) and (b). The answer is in the affirmative.

(c) and (e). Government have no precise information. They have received no representation on the subject until quite recently.

(d) and (f). The question of constituting an elected board in the Pachmarhi Cantonment will be examined further in consultation with the local authorities.

CONSTITUTION OF AN ELECTED BOARD IN THE AMBALA CANTONMENT.

33. **Mr. Sham Lal:** (a) Is it a fact that the population of the Ambala Cantonment, after the separation of the Sadar Bazar, exceeds eleven thousand and includes leading businessmen, houseowners, bankers and merchants?

(b) Is it a fact that in spite of the protests of the All-India Cantonments' Association, Government have constituted 'Corporation Sole' in that Cantonment?

(c) Is it a fact that on the enquiry of the All-India Cantonments' Association, Government informed the Association that the only reason for establishing 'Corporation Sole' in that Cantonment was that that form of Cantonment Authority was considered to be most suitable for re-organising the Cantonment on the new basis?

(d) Will Government be pleased to state why the reorganisation of Cantonment can best be carried on by Corporation Sole and why this principle was not applied to other Cantonments?

(e) Is it a fact that Colonel James who was deputed by Government to submit a report about the changes that would be necessary as a result of the separation of the Sadar Bazar from the Cantonment, recommended 'Corporation Sole' for the reduced Cantonment on the ground that there was a danger of the elected members of the Cantonment Board in existence at that time being returned to the new Board if it were constituted?

(f) Are Government aware that this remark has caused great resentment among the elected members concerned?

(g) Do Government propose to take some step to make it clear that they do not share the above view and to prevent such wanton attacks on non-official members in the future?

(h) Will Government be pleased to state how long the 'Corporation Sole' will last in Ambala Cantonment?

(i) What considerations weigh with Government's policy with regard to the constitution of elected Boards under section 11 of the Cantonments Act?

(j) Do Government propose to constitute an elected Board in Ambala Cantonment at an early date, and if so, when?

Mr. G. R. F. Tottenham: (a) The population certainly exceeds 11,000

(b) The Honourable Member's information is correct.

(c) and (d). What Government informed the All-India Cantonments' Association was, that it was not improbable that a corporation sole would be set up for the period during which the cantonment was being organised on its new basis, as such an administration would have obvious advantages during the period of adjustment which would follow separation. This is still their view.

(e), (f) and (g). Colonel James' opinion, with which the Government of India agreed, was that the need for separation was largely due to the difficulties of administering the old Ambala Cantonment by means of an elected board and that those difficulties would be likely to persist if the same board were elected to administer the new cantonment. They regret the necessity for stating this opinion, but are unable to alter it.

(h) and (j). Government's further action in the matter must depend upon circumstances.

(i) The attention of the Honourable Member is invited to my reply to starred question No. 130, dated the 11th February, 1935, asked by Mr. Ahmed Ebrahim Haroon Jaffer.

ALLEGED IRREGULARITIES IN THE DISPOSAL OF APPEALS IN CANTONMENTS.

34. **Mr. Sham Lal :** (a) Will Government be pleased to state how many appeals were submitted to the General Officer-Commanding-in-Chief, Northern Command, during the last year, viz., from the 1st April, 1933, to the 31st March, 1934, under Schedule V of the Cantonments Act and how many of them were accepted and how many were rejected?

(b) Does the practice of giving a hearing to the appellants by the Inspecting Officer, Military Lands and Cantonments, instead of by the General Officer Commanding-in-Chief, still exist in the Northern Command?

(c) Are Government aware that under the Cantonments Act, it is the General Officer Commanding-in-Chief who can hear the appeals? Under what law is hearing, in case of such appeals, given to the appellant by the Inspecting Officer?

(d) Are Government aware that the interests of the appellants are greatly prejudiced by one officer hearing their appeals and another officer giving his decisions thereon?

(e) Do Government propose to stop this practice, and if so, how and when?

Mr. G. R. F. Tottenham : (a) Government have no information.

(b) Government have no reason to believe so. They have already explained the correct procedure to the authorities concerned.

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

(d) and (e). Do not arise.

IMPORTED MATERIALS INCLUDED IN THE ITEM "OTHER MATERIALS" IN THE REPORT BY THE RAILWAY BOARD ON INDIAN RAILWAYS.

35. **Pandit Nilakantha Das :** Will Government please state what the imported materials included in the item 'other materials', in the report by the Railway Board on Indian Railways (e.g., Report for 1933-34, page 48, paragraph 60—0.18 crores, and similar figures in other reports) are?

Mr. P. R. Rau : Among the articles included under the heading "other materials" are liquid, fuel oil, pumping plant for tube wells, water meters, tiles, copper tubes, packing sheets, asbestos sheets, electric lamps, washable distemper, wire-ropes, petrol, stencils, tracing cloth and steel cabinets.

LOCOMOTIVES MANUFACTURED IN INDIA.

36. **Pandit Nilakantha Das :** (a) Are locomotives (not spare parts) manufactured in India? If so, where?

(b) How many locomotives were manufactured each year and in which years?

(c) What is the capacity of the firm or firms concerned and what are their names?

Mr. P. R. Rau : (a) Only metre gauge locomotives are built in India, at the Ajmer Workshops of the Bombay, Baroda and Central India Railway.

(b) The programme during recent years has been about 15 locomotives per annum.

(c) There are no private firms in India who are engaged in the industry.

LOCOMOTIVES PURCHASED FROM DIFFERENT COUNTRIES.

37. **Pandit Nilakantha Das :** (a) Where were locomotives purchased in the current and the two preceding years?

(b) Will Government please state the number and price of locomotives purchased from different countries in each year?

Mr. P. R. Rau : The information is being collected and will be laid on the table in due course.

ATTEMPTS MADE TO START LOCOMOTIVE FACTORIES IN INDIA.

38. **Pandit Nilakantha Das :** (a) With reference to the starred question No. 352, asked and answered on the 11th September, 1929, will Government please state what attempts, if any, were made to collect the information suggested therein with a view to start locomotive factories in India?

(b) Will Government please supply the information collected?

Mr. P. R. Rau : The information required by the Honourable Member was not collected, but I may add that, as was explained by the Honourable the Railway Member in this House last year, an investigation is being made as regards the possibility of starting broad gauge locomotive manufacture in India.

CONNECTION OF MESSRS. HENRY WILLIAMS, LTD., WITH THE BENGAL NAGPUR RAILWAY.

39. **Pandit Nilakantha Das :** (a) Did Government enquire about the relations between Henry Williams, Ltd., in India and in England and their connection with the Bengal Nagpur Railway referred to in starred questions Nos. 819 and 820, asked on the 24th September, 1929? If so, what was the result of the enquiry? What were the steps, if any, taken on the result of such enquiry?

(b) Have the Henry Williams, Ltd. (1932) anything to do with the Henry Williams, Ltd., referred to in the abovementioned starred questions? If so, what?

Mr. P. R. Rau: (a) A complete reply to the Honourable Member's questions was laid on the table. Government did not consider there was any necessity for further enquiries.

(b) So far as I am aware, Henry Williams, Limited, (1932), was a re-constructed company which took over the business of Henry Williams, Limited, India. I understand the Indian company is now known as Guest Keen and Williams.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Committee to advise on subjects in the Department of Commerce."

The motion was adopted.

ELECTION OF THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of Members to the Standing Committee for the Department of Commerce and the Standing Advisory Committee for the Indian Posts and Telegraphs Department, the Notice Office will be open to receive nominations up to 12 Noon on Friday, the 15th February, 1935. The election for the Standing Committee for the Department of Commerce, if necessary, will be held on Monday, the 18th February, while the election for the Standing Advisory Committee for the Indian Posts and Telegraphs Department will take place on

Wednesday, the 20th February, 1935. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in the Secretary's Room between the hours of 10-30 A.M. and 1 P.M.

THE PAYMENT OF WAGES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move for leave to introduce a Bill to regulate the payment of wages to certain classes of persons employed in industry.

This Bill and the following one which stands in the name of my Honourable colleague, the Home Member, owe much to the Royal Commission on Labour which sat under the chairmanship of the Right Honourable J. H. Whitley. Honourable Members must have seen with keen regret the news of the recent death of Mr. Whitley, and I should like to take this opportunity of acknowledging the great value of the services he rendered to India. His gracious personality and wise judgment impressed all who came in contact with him and the work that he did for this country will leave its mark on Indian labour conditions for many generations to come. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill to regulate the payment of wages to certain classes of persons employed in industry."

The motion was adopted.

The Honourable Sir Frank Noyce: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

AMENDMENT OF SECTION 51.

The Honourable Sir Henry Craik (Home Member): Sir, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908 (Amendment of section 51), for certain purposes.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908 (Amendment of section 51), for certain purposes."

The motion was adopted.

The Honourable Sir Henry Craik: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

INSERTION OF NEW SECTION 44-A.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908, (insertion of new section 44-A) for certain purposes.

[Sir Nripendra Sircar.]

The object of this Bill is to allow the decrees of High Courts and of subordinate Courts in India to be executed in the United Kingdom and the reasons are fully stated in the Statement of Objects and Reasons.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908 (insertion of new section 44-A) for certain purposes."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

RESOLUTION RE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING THE REGULATION OF HOURS OF WORK IN AUTOMATIC SHEET-GLASS WORKS.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly, having considered the Draft Convention for the regulation of hours of work in Automatic Sheet-glass Works adopted at the Eighteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Draft Convention."

Sir, this Regulation and the following one which stand in my name relate to conclusions adopted by the session of the International Labour Conference which met in June last year. I have had copies of the report of the Government of India delegates to that Conference circulated to all Honourable Members of the House and Honourable Members will find those conclusions in the appendices to that report. Those appendices include four Draft Conventions, but only two of them form the subject of the Resolutions I am placing before the House today. The third, which relates to workmen's compensation for occupational diseases, can be put into force without legislation and we are at present examining the extent to which it is desirable that action should be taken upon it. The fourth Convention relates to the night work of women in industrial employment. We have found it necessary to make a reference to Local Governments before coming to a conclusion on this, and it is our intention to bring that Convention before the Legislature during the Simla Session. Honourable Members will find on pages 26 and 27 of the Report which has been circulated to them the operative articles of the Convention we are now considering. It raises a very simple and straightforward issue. To put it briefly, the object of the Convention is to establish an average working week of not more than forty-two hours in automatic sheet-glass factories. There is only one factory of that kind throughout the whole of India, and it is situated at Bahjoi in the United Provinces. It works on a system which involves an average working week for the workers of fifty-six hours. As far as I know, there is no immediate prospect of any other such factory being started anywhere else in India, and the question which we have to consider today, is, therefore, whether the hours in this one factory should be reduced by legislation from fifty-six hours to forty-two hours per week in order to enable us to ratify this Convention. I should perhaps explain for the information of the House that factories manufacturing sheet-glass by automatic processes come within the category

of what are known as continuous-process factories, that is, factories the main process carried on on which is one which is to be carried on continuously throughout the day and night and from week to week throughout the year. For technical reasons it is not possible to interrupt the process without causing a very appreciable loss. The Factories Act, which was passed last year, gave special recognition to this class of factories in which production has to be continuous for technical reasons and allows them a working week of fifty-six hours as against the fifty-four hours to which ordinary factories are limited. I may add that the Washington Hours Convention, which aims at establishing a forty-eight hour week in manufacture generally, allows a fifty-six hour week for continuous-process factories. But the present Convention singles out one particular continuous process and seeks to apply a forty-two hour week to it. Now, Sir, Honourable Members will naturally want to know exactly why this particular process has been selected for such singular treatment. That is a question which I personally find it very difficult to answer. I have looked up all the literature on the subject, and I cannot find any really satisfactory reply to it. One of the main reasons, in fact, why I am asking the House to support my Resolution is that there is no adequate ground, in India at least, for selecting this particular process for exceptional treatment. Actually the proposal seems to owe its origin partly to historic reasons. Before the war, the trade unions in Western countries had succeeded in securing a Sunday rest in sheet-glass factories. But the introduction of mechanical processes such as that employed in India, while representing a very great advance on the technical side, and reducing enormously the toil involved, operated to deprive the workers of their Sunday rest, and the present Convention owes its origin to an endeavour to restore that weekly rest. In fact, the subject on the agenda of the Conference was not the reduction of hours in sheet-glass factories, but the "methods of providing rest and alteration of shifts in automatic sheet-glass works". And although there is no reference to weekly rest in the final form of the Convention, the arrangements specified in article 2 are designed, among other things, to ensure a weekly rest period.

But this, to my mind, affords no adequate reason for drawing distinctions between this particular class of work and many other types of continuous processes, such as, for example, some of those in steel works. I understand that the work in sheet-glass factories is not particularly arduous and I would quote in this connection an extract from a report by the International Labour Office itself. It runs as follows:

"The employment of drawing machines has profoundly affected the nature of the glass workers' duties. It has eliminated tiring occupations such as those of blowers, gatherers, flatteners and boys. From the moment the batch is placed in the furnace to the moment the finished glass leaves the machine, no human labour is directly employed in the manufacturing process. There remains only a minding staff 'freed from trying and repetitive work that has persisted for thousands of years, and using their intelligence instead of following one of the hardest trades humanity has ever known'."

The inference to be drawn from that quotation is that glass making, instead of being one of the most arduous forms of toil, has now become a comparatively easy one and the quotation, I think, furnishes ample justification for my urging upon the House that there is no sufficient reason for singling out one factory only and that a small and struggling factory for a special and severe legislative restriction upon its hours of work and that therefore India should not ratify the Convention.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly, having considered the Draft Convention for the regulation of hours of work in Automatic Sheet-glass Works adopted at the Eighteenth Session of the International Labour Conference, recommends to the Governor General in Council that he do not ratify the Draft Convention."

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That at the end of the Resolution, the following be added:

'but that the hours of work in automatic sheet-glass works be reduced to forty-eight week'."

Mr. President, the Honourable the Member in charge of the Department of Industries and Labour has explained that this Resolution arises out of the Convention passed by the International Labour Conference held last year. Before I deal with the subject-matter of the Convention itself, I would like to remark that recently the attitude of the Government of India towards the decisions of the International Labour Organisation has been, in my humble opinion, an attitude of indifference.

The Honourable Sir Frank Noyce: Nothing of the kind.

Mr. N. M. Joshi: The Government of India have not ratified any Convention arising out of the decisions of the International Labour Organisation since the year 1929. The last decisions which they ratified were the decisions of the year 1929, and no Convention passed after that date has been ratified. That is one reason why I say that the attitude of the Government of India towards the decisions of the International Labour Organisation has been an attitude of indifference. Secondly, the Government of India do not send an adequate delegation to the International Labour Conference, and that, in my opinion, is another indication of the attitude of indifference which the Government of India have adopted during recent years. There was a time when the Government of India, besides sending the delegates, used to send two or sometimes even three advisers, but, since 1931, they have not sent any advisers to the delegates. This has caused a great deal of inconvenience to the delegates who have been sent there. The Conference works through committees and sometimes four or five committees are appointed, and the delegate who goes there, especially the delegate who represents the Indian workers as well as the delegate who represents the Indian employers, find it very difficult to take adequate part in the work of the Conference. The argument which Government may perhaps give for not sending advisers is the stringency of money, but I feel the stringency of money is only an excuse. The real reason is that the Government of India have become indifferent to the International Labour Organisation. I hope that the Government of India will give up this attitude and will not plead the stringency of money as an excuse for not sending advisers. I hope at least from this year they will begin to send advisers to the delegates who may be appointed for that Conference.

Now, Sir, as regards the Convention itself. The Honourable Member has explained the terms of the Convention. The Honourable Member in explaining the Convention said that he did not understand why this

Convention was especially adopted for the sheet-glass industry. Sir, I am not an expert in the glass industry at all; I know very little about this industry. But from reading the literature that is available and from my talks with the people who are engaged in this industry, I have come to the conclusion that there are two reasons for the passing of this Convention. The first reason is that the work of standing near machines where the sheet-glass is made is arduous: the workers have to stand near the heat. I am not suggesting that there are no other industries where workers have to do this sort of arduous and hard work. But the work in the glass industry is very hard and very difficult, and, therefore, it is necessary to establish shorter hours of work in this industry. The Honourable Member said that the Washington Conference itself had permitted 56 hours of work for continuous processes, while the Convention had recommended 48 hours of work for other industries. Now, Sir, if the work in those industries which are industries of continuous processes is harder and more arduous, then it is quite natural that the hours of work should be reduced. Unfortunately, on account of consideration which many Governments have towards the convenience of the employers, the Washington Conference, very wrongly, in my humble judgment, recommended longer hours of work for work in continuous process industries. That mistake is being corrected now and, moreover, the International Labour Conference, having seen the difficulty of getting no recommendation adopted on account of the opposition of the employers, have, in my humble judgment, selected a method by which they will secure their object with the least resistance. Therefore, they select one industry after another for reducing the hours of work. That may be the second reason why this special Convention has been adopted for the glass industry. I am aware that there is only one factory in India which makes sheet-glass at present but there used to be two or three factories before. That is my information. At present there is only one factory left which makes sheet-glasses. It is quite true that the number of people affected by this convention is very small, but still, Sir, we should try to help even the small number. I am not suggesting that this convention should be ratified immediately. I feel that efforts should be made to gradually reduce the hours so that the convention may be ratified within a short time. I am, therefore, suggesting in my amendment, that the hours of work should be reduced from 56 to 48 so that after a few years we may be able to ratify the convention passed at Geneva. I hope the House will accept my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That at the end of the Resolution, the following be added:

'but that the hours of work in automatic sheet-glass works be reduced to forty-eight week'."

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I beg to move:

"That for the words 'that he do not ratify the Draft Convention' the words 'that the matter be brought up before the Assembly for reconsideration after the publication of the Report of the Tariff Board on glass industries in India' be substituted."

Sir, I was glad to hear the views of my Honourable friend, Mr. Joshi, the leader of workers in India, that he was not in a hurry to see the Convention adopted by this House immediately.

Mr. N. M. Joshi: I am in a hurry.

Mr. B. Das: If I remember aright, the Honourable Member said he would wait for a few years.

Mr. N. M. Joshi: I said not immediately.

Mr. B. Das: My Honourable friend also said that he would like to see the working hours reduced to 48 hours and then the Convention could be adopted by this House. But my Honourable friend, Sir Frank Noyce, the Member for Labour,—I particularly mention that he is the Member for Labour and not for Industries, because I have found him since the Whitley Commission Report was published, and here I take this opportunity to express my sincere sorrow at the death of *ex-Speaker* Whitley who has rendered signal services to the working classes in India and for the social welfare of the workers in India, I say I have found my Honourable friend, Sir Frank Noyce, has been more interested in problems of labour than in the problems of industry and he always transfers the problems that affect industry to his colleague on his left

The Honourable Sir Frank Noyce: I cannot allow that assertion to pass unchallenged. I endeavour, as I said on an historic occasion, to hold the scales even between the claims of industry and labour, but it does happen that my work on problems of labour, owing to the fact that it is embodied in the legislative measures, comes more into the lime-light rather than the work I endeavour to do for industry.

Mr. B. Das: I know my Honourable friend tries to balance his sympathy, but it may be mentioned that on the side of labour he has introduced two Bills this morning and he will introduce two more Resolutions this afternoon—all affecting labour problems.

Mr. N. M. Joshi: What about tariff Bills?

Mr. B. Das: Anything about the protection of industries. He transfers his responsibility to his colleague, the Commerce Member.

Mr. N. M. Joshi: That is good.

Mr. M. S. Aney (Berar Representative): That is division of labour.

Mr. B. Das: My Honourable friend has not yet functioned properly as a Member for Industries in giving protection to this glass industry which was a matter of enquiry by the Government of India three years ago, and so I beg to move this amendment for the postponement of the consideration of the draft convention, so that when Government publish the report of the Tariff Board on glass industry, they can bring forward their Resolution and then this House will consider whether we should accept the Resolution moved by the Government or the amendment moved by my Honourable friend, Mr. Joshi.

Before I discuss in detail the problem of sheet-glass in India, I should like to make a few general observations about the conduct of the League of Nations and the associated branch, the International Labour

Office, for this is one of those rare opportunities that this House gets to pass a few observations on the conduct of the International Labour Office where this Convention was discussed and to which Mr. Joshi wants to send a few more advisers besides the delegates. Sir, although I am glad to find in the report which the Government have circulated this year that Indians are adequately represented in the governing body, there is a Member of the Government on the governing body, there is an Indian Member representing employers on the governing body and there is my Honourable friend, Mr. Joshi, representing the working classes in India, yet I find that Indians do not find representation properly on the International Labour Office or the League of Nations. Sir, although India is now occupying the seventh place in the matter of payment, yet the Government of India have been rather weak in their pleading, rather in their demand as to why Indians are not given high offices in the offices of the International Labour Office or the League of Nations. Only the other day, America signified her intention to join the International Labour Office and the International Labour Office went out of its way and told America that it will take so many Americans into its office, not only in the International Labour Office, but also in that of the League of Nations. The other day, we read in the papers that Japan threatened and that Japan had already walked out of the League of Nations, but Japan is still a Member of the International Labour Office. What do we find? The League of Nations was so frightened that it sent out a Commission to Japan to enquire into the labour conditions in Japan and that Commission gave a white-washing certificate to Japan to the effect that Japanese labour has got all the social welfare work and social amenities of life provided for them and that the complaints which the British employers and the Indian employers have made very often that the Japanese workers do not work under proper conditions were baseless, and the League of Nations Commission has absolved Japan from all the complaints and white-washed the whole thing and yet the Japanese are admitted to occupy high offices in the International Labour Office

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member seems to be travelling rather wide of the mark in discussing the personnel of the International Labour Office.

Mr. B. Das: Sir, I refer to this in detail, because this is the only occasion when I can draw the attention of the Honourable Member for Industries and Labour to press the point on the Director of International Labour Office that more Indians should be taken to these high offices.

Now, Sir, coming to my amendment, everybody knows, it has been already mentioned by two previous speakers, that there is only one glass work—that is, the U. P. Glass Works, Limited,—which manufactures sheet-glasses. In 1927, the sheet-glass price in India was Rs. 8-8-0 per 100 square feet, and, since then, things have so happened that, owing to Japanese dumping, in January, 1935, the price of sheet-glass is now Rs. 5-4-0 per 100 sq. ft., and the cost of the Indian sheet-glass at the factory is something like Rs. 8-6-0. When the Government of India brought out their Safeguarding of Industries Act, we thought they would protect the sheet-glass industry, but because they had this Tariff Board Report before them, they did not protect this particular glass article,

[Mr. B. Das.]

but they protected chimneys and other articles of glass manufacture. But since then, during the last year, the condition of the sheet-glass factory has gone worse. I find that Japan which exported, in 1930-31, 19,80,350 square feet, has increased her exports to India in 1933-34 to 1,02,49,200 square feet. And that is the reason why the Japanese article,—apart, of course, from State subsidy and shipping subsidy and also exchange effects,—is today selling at Rs. 5-4-0. I do not know if the Government of India at one time thought that the British sheet-glass industries will gain in the Indian market, but I find that while it was exporting nearly nine lakhs sq. ft. in 1930-31 to India, in 1933-34 it is only eight lakhs sq. ft. So I do not find that British sheet-glass or the continental sheet-glass is gaining on the Indian market while Japan has captured more than 60 per cent. of the imports of India. Therefore I submit that we have no materials before us to discuss one way or the other; and when Government publish the Tariff Board Report and bring forward their recommendations one way or the other, we will be able to consider whether we will reject this Convention or even accept Mr. Joshi's amendment. In this connection, I wish to point out that there are European countries which put high tariff on glass to protect their sheet-glass industries. I find that the United States has got an import duty of Rs. 9-13-0 per case of 100 sq. ft. Belgium has Rs. 12 for one hundred square feet; Germany has got Rs. 10; France has 240 francs per square metre; which comes to Rs. 200/-per 100 sq. ft.; Czechoslovakia has 176·208 kroner per 100 kilos, and so on. Therefore, it is not a new thing. So I urge on the Honourable Member for Industries to ask his colleague, the Member for Commerce, to publish the Report on the glass industry which was submitted in 1932 and which is lying on the shelves of the Commerce Department. Thereafter, the Government may bring forward any amendment to any Convention, and the House will consider it.

Sir, I have only one observation to make about Mr. Joshi's remark that the working hours should be reduced to 48 hours per week. Last Session, when my Honourable friend, Sir Frank Noyce, brought up his Bill and the Act was passed, Mr. Joshi pleaded for 48 hours. I expressed my sympathy with Mr. Joshi, but I could not give him my vote at the time nor can I give him my support today, because, if we reduce the working hours in one industry to 48, there will be a demand of labour in other industries to reduce the working hours to 48. I do not mind if it is reduced to 48 hours, provided the industry can stand those wages. Sir, I have already said, subject to the correction of my Honourable friend, Mr. Abdul Matin Chaudhury, that if the index prices of food-stuffs and commodities have gone down in India, the workers in India should be prepared to accept lower wages, because, in 1925, 1928 and 1930, they secured in certain industries the wages that were demanded by their labour leaders because high prices were prevalent. So, if the leaders of labour can prove that the standard of wages can be reduced in particular industries on the present prices of commodities, and, if Mr. Joshi is prepared to reduce the wages in certain industries like the steel or the textile industry (Mr. N. M. Joshi: "No, no"), then I am prepared to support his claim for a forty-eight hour week.

With these observations, I commend my amendment to the House.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the words 'that he do not ratify the Draft Convention' the words 'that the matter be brought up before the Assembly for reconsideration after the publication of the Report of the Tariff Board on glass industries in India' be substituted."

The discussion will now proceed on the motion as well as the amendments.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise to support the motion and I will give entirely different arguments in support of this motion. We all know that India is an agricultural country and here our problem is primarily the problem of agricultural labour. I drew the attention of the House to this question on the 6th February, 1934, and, during the last election, I had occasions to visit the villages in the United Provinces and I found the condition of village labourers much worse than that of labourers in factories. Last year, I pressed that some kind of statistics should be collected to find out the number of village labourers in this country, but no statistics are available and we can only rely on our personal experience

The Honourable Sir Frank Noyce: Sir, I am sorry to interrupt the Honourable Member, but I should like to know to which of the two Resolutions, I am moving today, he is now speaking upon, i.e., whether the one on glass works or the one on unemployment.

Dr. Ziauddin Ahmad: I am speaking on the Resolution on glass works and I am criticising no recommendation of the International Labour Conference, because I do not recognise it. So I said I am supporting the Resolution on different grounds as I do not recognise the principle on which the two Resolutions are based.

In the absence of these statistics, we have to rely on our own experience. As I was saying, I found the condition of village labourers much worse than the condition of labourers in factories; and I regret that this International Labour Conference recognises only the question of labour that is employed in factories.

Mr. N. M. Joshi: May I interrupt the Honourable Member and inform him that the International Labour Organisation has passed several conventions protecting the interests of agricultural labourers also?

Dr. Ziauddin Ahmad: But I am sorry that none of these things has come up for discussion in this House. We should primarily lay great stress on the labour that is engaged in agriculture. That is really the most important problem and this question of labour employed in the factories is not so important as the other from the Indian point of view. I am afraid that all our representatives and spokesmen of labour in this House concentrate their attention on factory labour: I have not seen Mr. Joshi shedding his tears for one moment on the poor condition of agricultural labour, though he has engaged this House for hours and hours in talking about conditions of labour in factories

Mr. N. M. Joshi: What have you done?

Dr. Ziauddin Ahmad: I have come here to criticise the action of Mr. Joshi in this House. My first point is that the International Labour Office is engaged too much in considering the conditions of labour in factories, and they do not pay sufficient attention to our problem which is really a problem of agricultural labour, and, therefore, we should not pay any serious attention to their recommendations. My second point, also important, is that in all these discussions there has been a talk of war between labour and capital. What they very badly need are persons who do not represent either labour or capital, so that they may take a dispassionate view of the whole thing. To my mind the labour representatives are tackling this problem from the wrong end of the stick. Why? In the first place they are now saying that the hours of work should be so many per week, or so many per day. If this process continues much longer and they continue lowering the hours of work per week, as they are attempting in this particular problem before us, the situation will entirely change: capitalists and owners of factories will not in future engage persons on monthly labour: they will not engage persons even on weekly labour, but will say: "We will pay you so much per hour—one anna or half an anna: work as many hours as you like per day: we do not care, we will pay you so much per hour." If that happens, a large number of these workmen will come forward and will be willing to work longer hours in order to draw more wages. They will not listen to my friend, Mr. Joshi: they will not listen to the International Labour Office; they will not listen to any kind of advice given even by my Honourable friend, Sir Frank Noyce, so long as they are paid more money for doing more work. They would rather object to being paid the same amount for more work. If we begin to organise labour by paying so much per hour, I am positive and certain that every labourer will try to double the amount of work in order to double the wages, so that he can make both ends meet. This question of lowering the hours of work will also have this effect that it will make our labourers lazy: after all we must produce everything cheaply.

I insisted some time ago, and I insist even today, that the real problem which labour ought to tackle is this: the profit which they help to earn should not entirely go to the capitalists and to the factory owners. A portion of it must go to the labourers, to the workmen who help to produce this profit: it must be proportionate to their share. If the workmen demand that the whole of the profit should not go to the persons who supply the money or the persons at the top but that it must also go proportionately to those who help to make the profits, that is the right way of looking at the matter. The workmen should realise that it is to their interest that they should make the factory a paying concern and a profitable concern so that they can get a portion of the profit; but if they have no other interest than merely getting a certain amount of money as wages, never mind whether the factory is run at a profit or loss, then naturally they will have no interest, and all kinds of organisations like the International Labour Office and others for which Mr. Joshi is spokesman will come into existence

Mr. B. Das: That is becoming a Socialist?

Dr. Ziauddin Ahmad: No. I think we ought to organise this thing properly so that everybody gets a proportionate profit: whatever extra profit comes after paying the bank rate of interest must be distributed according to some convention between the shareholders, the managers and the labour. That is really the right kind of policy to be followed. I do not agree, not only in this convention, but also the other recommendations of the International Labour Office.

Mr. N. M. Joshi: Even for agricultural labourers? (Laughter.)

Dr. Ziauddin Ahmad: As I said, I have not seen my friend, Mr. Joshi, saying a word about agricultural labour in this House.

The next point to be considered is whether a particular industry can afford to pay these high wages. It has been pointed out, by the Honourable the Mover of this Resolution, that there is only one factory and it is in Aligarh: I have seen this factory, I know its condition: it is not able to meet the demand and it is really in a bad condition; and if we impose an additional burden by reducing the hours of work, and demand at the same time that the wages should not be cut, I am afraid that the only factory which exists now in India will have to be closed down. Though we have not got machinery, we wish to compete with the rest of the world by means of our cheap labour: but if we make labour expensive in this country and at the same time have no machinery, we will not be in a position to compete with other countries in manufactured articles. Therefore the very brilliant and very illuminating recommendations of the International Labour Office do not satisfy Indian conditions and the less we talk in this House of them the better. With these words I resume my seat.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Mr. President, Dr. Ziauddin Ahmad, who has just sat down, said that the International Labour Office and the International Labour Conferences have not paid sufficient attention to the needs of agricultural labourers. I am here to assure the House that the International Labour Office has certainly been trying to pay as much attention as possible to the needs of agricultural labourers; but, unfortunately, most of those governments, who have to co-operate with it in order to make its conventions a success if they are to be a boon and a benefit to the workers, agricultural as well as industrial, have not been willing to co-operate with it, but object to the ratification of its Conventions, for the simple reason that neither this Government nor any other Government have been willing to protect the agricultural labourers. It is indeed very strange to say that because our Government are not willing to help the agricultural workers or the International Labour Office is not willing to help the agricultural workers, therefore, that ought to be any reason why we should allow victimisation of industrial workers in this country. My friend, Dr. Ziauddin, said, that in this country we must depend upon cheap labour for the progress of our industries. Sir, if we are to depend for the progress and prosperity of our industries and for the industrial development of this country entirely on cheap labour alone, I would rather not have this sort of industrial progress at all at the cost of labour.

Dr. Ziauddin Ahmad: On a point of personal explanation, Sir. The word 'alone' is not my word. My friend has added it.

Prof. N. G. Ranga: Secondly, my friend said, that so far there has been none here who was prepared to espouse the cause of agricultural labour, and he accused my friend, Mr. Joshi, of not having paid as much attention as he should have to the needs and difficulties of agricultural labour, but I can assure my Honourable friend, Dr. Ziauddin, that I myself, my friend, Mr. Giri, and several others here have come here to this House from the country-side to represent specially the interests of the agriculturists, the interests of agricultural workers, and also the interests of ordinary workers all over the country, and especially of the workers in rural parts. I stand here on behalf of the agricultural workers and maintain that this Convention ought to be ratified by the Government of India, not because the agricultural workers are themselves much interested in it only, but they are interested in the progress and prosperity and in the satisfaction of the desires and needs of the industrial workers also.

Now, what is the position in regard to these workers who are employed in the glass sheet industry? We are told by the Honourable the Mover of the Resolution, that there is only one factory in this country, and this factory, according to him and also according to my friend, Dr. Ziauddin Ahmad, has not been able to pay any fat dividends. If this factory is not able to declare any dividends, then it is a case for the grant of either a bounty or protection; it is certainly a case for the consideration of our Honourable friend, the Commerce Member. If, on the other hand, this industry does not need any protection at all, and, if it at the same time wishes to carry on its exploitation of its workers by making them work for 56 hours, as has been the case till now, then it should not be allowed to receive its pound of flesh from the flesh and bones of the poor workers who are employed there; it should be closed down. Sir, these workers are helpless. They are only 200 or 300 in number. They are not organised, and if they are not to be protected even here on the floor of the House by Honourable Members, then I do not know who is to look after them. Lower wages there are, and lower wages are bound to remain in this country as long as the House is not prepared to protect them by the ratification of the recommendations of the International Labour Conference. My friend, Mr. Joshi, has rightly complained that our Government have not been providing our delegates to the International Labour Office with proper advisers. }

An Honourable Member: What do you mean by our Government? (Laughter.)

Prof. N. G. Ranga: Sir, I am so extremely impatient to have our own really Indian Government, that I sometimes mistake for it, this Government, the agency of the British Government. I mean the Government of India have not been playing their part properly. Now, here is a Convention which was passed on the advice of a majority of the civilized nations, as all those who were represented there were supposed to be civilized, and this Government has the hardihood to come forward and say that this Convention and the recommendation of the International Labour Office should not be ratified at all! Here is another instance in which the Government comes forward with a recommendation like this, and a scholar and a great experienced Parliamentarian like my friend, Dr. Ziauddin, says that he has really been struck with the plight and sufferings of the agricultural workers and yet he wants to support the Government when it wants the non-recognition or non-acceptance of the recommendation as well as the convention of the International Labour Office. Therefore, I stand here,

on behalf of the agricultural workers and say that they are willing to stand by the industrial workers and even to wait, if need be, till their needs are satisfied, in order that the industrial progress should be helped. There is another Resolution which stands in the name of the Honourable the Member for Industries, and, if I have a chance, I shall express my views on it. But in this connection, I can say at least this much that the agricultural workers feel that they have been let down very badly by this Government by not ratifying the recommendations concerning their interests of the International Labour Office, and yet these workers feel that even if they have been let down, at least their brethren the industrial workers should not also be let down. Merely because agricultural workers have been let down by the Government of India, it is not fair that these workers should stand in the way of any beneficial legislation that may have to be passed in the interests of industrial workers.

There is one more point, Sir. At present these workers who are employed in this glass-sheet factory are working for 56 hours. The International Labour Office has proposed that the number of hours should be lowered to 42. What is the amendment that stands in the name of my friend, Mr. Joshi? It does not want the Government of India to accept that lower limit, but it would be satisfied with 48. Is that not reasonable? The limit has been insisted upon by the International Labour Office at all its sessions, and this limit has to be fixed in the case of which workers? Workers who are employed in a very dangerous industry, in an industry the working of which is inimical to the health and physical development of the workers; and, if we are not prepared to accept this limit of 48 hours, I really do not know whether the Honourable the Member for Industries would be willing at all to agree to our proposal of 48 hours for workers in mines and other industries. My friend, Mr. B. Das, has come forward to represent the case of industrialists. I would have no quarrel with him for representing their grievances, but certainly it will not be fair on his part to say that these industries should be carried on at the expense of the poor workers.

Mr. B. Das: I did not say that

Prof. N. G. Ranga: If he did not say that, I am glad; and I take it that he did not make that statement, but it is not fair for any Member of this House to maintain that industries should be carried on at the cost and expense of industrial and agricultural workers.

Dr. T. S. S. Rajan (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Mr. President, we have now to see whether the Trade Convention that has been recommended by the International Labour Office at Geneva is one that we could adopt in this country with advantage. The time limit proposed by Geneva is 42 hours, and the amendment of my friend, Mr. Joshi, suggests that it should be 48 hours. It is conceded even by the Honourable the Industries Member that sheet-glass industry is an industry which throws a greater strain on the workers.

The Honourable Sir Frank Noyce: No, Sir; I did not say that. I said exactly the opposite, that owing to the great improvements effected of late years and the fact that the processes are now carried by automatic machinery, the strain has been very greatly mitigated and conditions are now completely different from what they were before automatic machines were introduced.

Dr. T. S. S. Rajan: Perhaps, I did not hear my friend properly, but I still have my own doubts whether the glass industry could be put on a par with other industries in so far as the strain that is put on the workers is concerned. My statement is a comparative statement. I compare the glass industry with other industries, and I am led to think that the glass industry does throw a heavier strain on the workers than do other industries like textile mills, mines, and so on. I also learn that it is an industry which could never be stopped, there could be no recess, but that it has got to be kept continuously running from year's end to year's end. These are the facts that are placed before us, and, after having read those facts, we are asked to ignore the recommendations of the International Convention. Speaking as a professional man, as a medical man, I can tell this House that in all cases where muscular exercise of any sort is required, the muscular system cannot stand a strain of more than eight hours at the utmost, and the acid that is emitted as a result of the muscular exertion acts as a poison on the human system and that continuously for eight hours a day, I cannot comprehend how with any sense of humanity in us we could say that anybody should be worked longer. If the argument is adduced that in this country people are working for longer hours, I say that is just the reason why we must prevent longer hours of work. Here is a specific legislation recommended by an international body and after deliberation and thorough investigation into the matter we are told that 42 hours a week shall be enough. But my Honourable friend, Mr. Joshi, has arrived at a compromise and has suggested 48 hours a week. As one who has seen something of workers in factories I can assure the House that eight hours labour is more than a man can stand. For muscular exertion of the sort which requires the careful attention of the workers, eight hours in a factory is the maximum that one could expect, and therefore, I contend that this amendment of Mr. Joshi is but fair and quite logical. But as regards the other reason that there is only one glass factory in this country and if a restriction is put upon the hours of work the result will be disastrous, I can tell you this. You may work the worker for 56 hours or even 68 hours if you please, but I may assure you that the worker, in spite of the longer hours of work, cannot produce in quantity the same amount of work that he could when he is not tired. Eight hours work perhaps will give the maximum result that one could expect. If you make an exhausted man work for 12 hours per day for instance, the sum total of his work will be almost equal, if not less, because a tired man produces much less work than a man who is not tired. Therefore, if you agree with me that eight hours strain is about the maximum that the muscle can stand, I fail to understand how longer hours of work can give better results. It is in the interests of both the workers and the employer to see that the workers are strong and do not get fatigued at the end of the work. If a man does not get fatigued at the end of the work, certainly he is much better fitted, from an economic point of view, than the one who is exhausted. I contend that a strong man who works for eight hours, with periods of rest in between, will turn out much better result than if he is worked continuously for ten or twelve hours under the impression that longer hours of work produce better results. This is absolutely a scientific fact which cannot be ignored. Therefore, if the employer is afraid that, because the worker is working now 56 hours, he is asked to reduce the period to 48 hours, it does not necessarily follow that the turn-out and production also should be less. The point of my Honourable friend, Mr. B. Das, is this, that the Tariff Board's report

on the glass industry, for some mysterious reason, has not been made available to the Members of this House, and he believes that it contains some very specific proposals which will help the glass industry to be placed on a secure basis. The fact that out of three factories two have been closed down and one is struggling for its existence is certainly proof to show that an enquiry into this industry is necessary, and if the Tariff Board's report contains the results of their labours, I really do not see why it should not be made available to Members of this House or to the industrialists who are engaged in that industry. While supporting Mr. Das's amendment that a copy of the information contained in the Tariff Board's report should be placed on the table of this House, I endorse the amendment of Mr. Joshi for a reduction of the working hours to 48 hours a week.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): There is a dictum that knowledge is power, and there is also a dictum that labour goes with it. Here we are discussing the question of reducing the hours of work to 48 a week, and I can say with the utmost confidence that at least on this side of the House there will not be a single Member who will oppose this. As one who has got the interests of the agriculturists at heart, I may say that we feel strongly that labour must be reduced in this country.

An Honourable Member: What labour?

Mr. D. K. Lahiri Chaudhury: I beg your pardon, hours of labour. It is admitted on all hands that the workers in the glass industry cannot stand more than 48 hours a week, it is not possible for them.

An Honourable Member: It has been possible for so long.

Mr. D. K. Lahiri Chaudhury: Yes, if you tie me down and then spit on me, I cannot help it; I must bear it. The pity is that even now, in this twentieth century, under the British rule, the labour representative is nominated and he is not elected. And still in this House we talk of Dominion Status, Federation, and so on! We get so many allowances, are given so many parties and entertainments, and cannot we show some little sympathy for these poor labourers? It will be my duty to support the amendment of my Honourable friend, Mr. Joshi, most earnestly, and I hope that every elected Member will feel strongly for the workers and give his unstinted support to the amendment of my Honourable friend.

Srijut N. C. Bardaloi (Assam Valley: Non-Muhammadan): Sir, I am neither a labourer nor a capitalist. So, in the words of the Honourable Dr. Ziauddin Ahmad, I can take a "dispassionate view of the whole affair". I find that there is a tug of war between the capitalist and the labourer in this matter. My Honourable friend, Mr. Das, was speaking on behalf of the capitalist, and Mr. Joshi has been espousing the cause of the labourers as he always does. Now, the question at issue is, whether in this sheet-glass industry the hours of work should be forty-eight or fifty-six. I find that in the glass factories of Europe, where the climate is cooler, the people are stronger, well-fed and well-housed, the working hours have been fixed at 42 hours a week, whereas, in India, because the glass factory which is in existence, now does not make much profit, therefore, it is considered proper that the ill-fed, ill-nourished, ill-paid workers

[Srijut N. C. Bardaloi.]

of this country should work 56 hours a week. I think this is a position which is not proper. As a matter of fact, from the report of the Labour Commission we find that the glass factory, although there are improved machineries now, works in great heat. The molten glass is to be supplied to the machinery from hour to hour, from day to day and from week to week and it is continuous work under great heat in the factory. Certainly, that work tells on the health of the people, and, although I would have very gladly supported the working hour that had been proposed by the Labour Conference, namely, 42 hours, I would rather support 48 hours because that is the amendment before the House. Of course the question arises also that the only glass factory in this country may fail. If that is so, the Government should come at this juncture to the help of the glass factory by protecting this industry and in order to give a chance to the Government to allow a discussion in this House and also to look at the report of the Tariff Board and, in order that we may discuss later on about the working hours, I would support the amendment of Mr. Das. Failing that, I shall have to support the amendment of the Honourable Mr. Joshi.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. A. G. Clow (Government of India: Nominated Official): Sir, before I endeavour to deal with the actual wording of the amendments, I should like to offer one or two observations on some of the matters of wider policy which were raised by my Honourable friend, Mr. Joshi, and some of the speakers who followed him, and, in particular, to say a word about the charge that he levelled, that Government are becoming indifferent to what happens at Geneva. I think, he found two proofs of that, one in the fact that our ratifications were not sufficiently numerous, and the other in respect of the sending of advisers; and at least one Honourable Member who followed him seemed to be rather shocked that we did not ratify every Convention. Well, there are a great many Conventions passed at Geneva and no leading country is able to ratify all of them. I have a chart which I could show any Honourable Member opposite showing ratifications which have been registered by each country in the world, and if they care to examine that chart, they will find that India on the whole occupies a good position.

Mr. B. Das: Will you show it tomorrow or only at this hour? (Laughter.)

Mr. A. G. Clow: I have it here with me, if the Honourable Member cares

Mr. B. Das: I would like to see it tomorrow.

Mr. A. G. Clow: I have here with me a few figures up to January of this year. Great Britain has ratified 18 of the Conventions and France 17, as against 13 ratified by India and I think 12 by Japan. Now you have

to remember that at Geneva, partly because Europe is so strongly represented and partly because it has taken a lead in matters of this kind, attention is naturally paid more to those problems which are regarded as pressing in Europe than to those problems with which we are more directly concerned. We have been pursuing here, as the House is aware, a very solid programme of labour legislation and it is our misfortune that it has not coincided on very many points with the programme that Geneva has been following. And while it is right and proper that we should pay due weight to the fact that an International Conference has approved certain principles, I suggest that, after that, you have to examine how far the conclusions reached are suitable to the special conditions in which we find ourselves. I can remember the day when we were attacked in this House not for ratifying too few Conventions, but for ratifying too many Conventions. What we do is to examine each Convention, to pay due weight, as I said, to the international considerations, and to consider carefully also the national considerations and the interests of this country.

On the subject of advisers, I can only assure Mr. Joshi that the failure to send advisers, in the last year or two, has been due entirely to financial stringency. Government are now considering whether, in the slightly altered circumstances in which we find ourselves, they could suitably send an adviser with the employers' and the labour delegates this year.

Coming to the specific amendments, these are two in number. There is first my Honourable friend, Mr. Das's amendment, which proposes to reach no conclusion at all, and then there is my Honourable friend, Mr. Joshi's amendment, which is an effort at a compromise. I could ask the House to reject Mr. Das's amendment on the ground that the report which he is so anxious to see would convey no assistance whatever in the matter. But I do not expect the House to accept my assurance on that point and I would put it rather on a point of principle, and that is this, that, between fiscal protection for an industry and protection for labour, there is really no relevant connection. What my Honourable friend, Mr. Das, is saying is virtually "when an industry comes up for protection, just see if you cannot fit in a few special labour conditions and impose them on that particular industry". You grant protection where it is needed, and, I maintain, that you should apply the same principle to labour, that you should give protection to it in those industries in which labour itself stands most in need of protection, and not to those industries in which, for reasons quite unconnected with labour, you find it necessary to give protection. If, when a capitalist comes to you for protection, you find that it is necessary to tax the tax-payer in order to enable him to meet foreign competition, the tax should clearly be no more than is necessary for that purpose. If, at the same time, you are going to impose on him special restrictions in respect of wages or hours or other matters relating to labour, he will naturally come and say, "well, I must have a higher rate of protection for that purpose". In other words, you will be taxing the consumer, not to keep the industry in health, but in order that a particular group of labourers may enjoy special privileges which will be denied to other labourers in other unprotected industries. Sir, I earnestly hope the House will agree that that is a principle which is fundamentally unsound.

Now I come to Mr. Joshi's amendment, and I recognize that it has certain merits on the surface. It recognizes, as we do, that the Convention cannot be ratified and it represents an endeavour at a compromise and, as such, has been tentatively accepted by several Members opposite.

[Mr. A. G. Clow.]

But, I am afraid, that on this particular issue no compromise is possible. That is not because I am particularly obstinate or because any Honourable Member is obstinate. It is really a matter of arithmetic as I hope to convince the House. It depends somewhat enigmatically on the fact that 168 is divisible by 56 and by 42 but not by 48. I would like to illustrate that as clearly as I can. The point is best appreciated by selecting any particular job on a continuous process. That job has got to go on night after day and throughout the week; it has got to be carried on every week for the full number of hours in the week, and that is 168. If you carry it on with three men, each relieving the other in turn, the average hours for those three men are 168 divided by 3, that is, 56. If you want to reduce the average hours ever so little below 56

Mr. N. M. Joshi: What about the weekly holiday?

Mr. A. G. Clow: That is secured by entirely different methods, by changing the shifts—actually the men get a fortnightly holiday I think—

Dr. Ziauddin Ahmad: The work has no holiday.

Mr. A. G. Clow: Precisely: the work has no holiday. As I was saying, if you are going below fifty-six hours, you must employ another man and that is why the Convention, a little unnecessarily but quite logically, says, in article 2, that there must be at least four shifts. Now, suppose for this particular job which was formerly worked by three men, you employ the fourth man necessary to reduce the hours, the average hours for these four men must be 42—that is 168 divided by 4. In other words, as soon as you employ that fourth man, your average hours come down to 42 and you have a choice between either employing three men for longer hours than 42 and one man for less than 42, or employing them all for 42. There were some factories in England which worked—I do not know if they do still—on a 48 hours a week in this particular industry. What they did was that three sets of men worked for 48 hours and the remaining set worked for the hours that are left, that is, 24. Now, I put it to the House that you cannot possibly ask the Indian labourer to scratch a living by working three or four hours a day. In other words, if you are going to reduce the hours at all below 56, there is no real stopping place until you come to 42, and that is why the Convention has made such a big jump. If a 48 hours a week had been possible, the Washington Hours Convention, which was designed expressly to establish this principle of 48 hours a week would certainly not have made an exception of 56 hours in favour of these continuous process factories.

I would just like to say one word more in conclusion and that applies to both the amendments. My Honourable friend, Mr. Lahiri Chaudhury, talked of “reducing labour” and there has been, I think, a tendency on the part of some Members in this House, to assume that, if you reduce the hours to 42, you must be conferring a benefit on labour. I, for one, would certainly contest that conclusion. I do not think that with the rates of wages prevailing and in the absence of a special subsidy which is really not admissible in this case, you can ask a labourer to cut his hours down to 48, which would mean the cutting down of his wages whatever my friend, Mr. Joshi, may say.

An Honourable Member: Establish a minimum wage.

Mr. A. G. Clow: One member says “Establish a minimum wage”. In other words, give a subsidy to this particular industry and give it more protection to cover it.

Mr. N. M. Joshi: No harm.

Mr. A. G. Clow: No, Mr. Joshi. I suggest that this particular industry does not deserve and does not need a subsidy of that kind. The principle of giving a subsidy to a particular factory in order to reduce the hours of work to 42 would be, I submit, unjust and unsound. The real fact is that the Indian labourer does not offer the same scope for reduction as my Honourable friend, Mr. Lahiri Chaudhury. If you are going to reduce him to 42 hours, the danger is that you will reduce him to something like a skeleton. I ask the House to recognise that we are trying here to act in, what we believe to be, the best interests, not merely of the capitalist who is concerned in this particular case, but of the labour employed, and that this Convention, however, suitable it may be for conditions elsewhere, is not suited to the conditions as we know them.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, Bahjoi, where this solitary factory for the manufacture of plate-glass is situated in this country, is part of my constituency and that is my apology for standing before the House. I had also notified certain questions relating to the United Provinces Glass Works, which has its headquarters at Bahjoi, but no replies have yet been received. I must, however, warn the Honourable Members, at the outset, that I do not pretend to speak on behalf of the Company, the Shareholders, the Management or the Labourers. Whatever views I might express here are solely and exclusively my own.

Sir, before dealing with this question on its merits, I would like to give expression to certain feelings which are uppermost in my mind. India is an equal member and an original member of the League of Nations and India is one of the principal States that are represented in the International Labour Conference. Now, Sir, what does the membership of these International organisations connote? What is its import and what is its significance? I do not know what India means there, but I know that so far as we Indians are concerned, we are not better than helots in this Empire and serfs in our own country. Is it not a sham, a farce, that while we are described as members of the International body, India's “representatives” have, in fact, to serve no other purpose except singing hallelujahs to their Masters and reflecting their Master's voice? When I saw this Resolution on paper, I was reminded of a film which has been recently produced in America. Hollywood has put forward “India speaks” and no picture more outrageous and untrue, so far as India is concerned, than “India speaks”, has ever been presented. And the voice that is audible in other countries in the name of India through the Government of India is no better than the speech of the characters in “India speaks”. I will not say more in this connection. The tragedy and the irony of the situation are both obvious. I only hope that the Honourable Member for Labour and Industries has nothing malicious, vulgar or petty up his sleeve which he would blurt out in the course of his concluding remarks after close of the debate. If any Government Member has the hardihood to say anything that is derogatory to anybody or any section of

[Pandit Govind Ballabh Pant.]

this House, he should muster courage to make those remarks in his opening speech and not keep them back for the last minute when nobody can make any reply, specially when the imputations are so very remote, irrelevant and wide of the mark that nobody could have suspected or anticipated them. However, these points are not very closely connected with the questions with which I am directly concerned at present.

Sir, I personally feel that this Convention, which was framed by the International Labour Conference, is only one of the attempts to mitigate the hardships of the Washington Convention of 56 hours, to which the Conference subscribed in one of its weak moments. Sir, the question has to be considered, as all such questions are, from two aspects. The requirements of the industry and the demands of humanity have to be adjusted and I do not notice any inevitable clash between the two. After all, social welfare, reasonable rest, regulated life of labourers, all react on their efficiency. All these things enable them to do more and better work. They lead to better results both in the matter of quantity as well as of quality of output. So, the question should not be looked at from any prejudiced or partial point of view, and I do not very much like the idea of people here being dubbed as capitalists or socialists. We are here like old Romans, though as serfs, to hold the balance and to do justice between all claims, and we cannot afford to identify ourselves with any one party or the other. Moreover, it is merely a question of the angle from which you look at a thing, otherwise whatever is for the real benefit of one class or community is necessarily for the ultimate benefit of all. It is only how you look at the question: whether you have the capacity of, if I may say so, looking beyond the nose. Sir, so far as this particular factory is concerned, it has been in a very difficult condition for several years. In fact, the first experiment was made by the U. P. Glass Works in the direction of the manufacture of plate or window glass sometime in 1923. The Company got a loan of about a lakh from the U. P. Government, but the Company failed and the money was wasted. Again, undaunted by this failure, it made another effort, and, about 1929, it started its operations which happily are still going on and the daily output has steadily increased since. But like so many other industries, it has to face the menace of Japanese competition. The imports from Japan during the last three years have gone up by about 500 per cent. in value as well as in quantity. I will not embarrass the House with figures which lead to this result. At present Japan holds 52 per cent. of the import market, that is, the quantity of plate glass imported from abroad from all other countries is less than what Japan sends to this country. Sir, Japan has been dumping this country with cheap goods and the plate glass that Japan sends to this country is available in Calcutta and Bombay at about Rs. 5 per 100 cubic feet. Till three years ago, the corresponding price was Rs. 8 or Rs. 9 per 100 cubic feet. Consequently, the difficulties have been enormously increased and the U. P. Glass Works cannot possibly maintain its business unless the State helps them as it ought to. The Government of India, whom I cannot possibly call my or our Government, the Government of the foreigners known as the Government of India, referred this matter to the Tariff Board in 1931. They received the report from the Tariff Board in 1932. We are in 1935, but still they are cogitating over it. I do not know what they intend to do. The Honourable the Commerce Member is not here, I do not in any way complain of any lack of courtesy . . .

Mr. President (The Honourable Sir Abdur Rahim): He had to leave the House for an urgent engagement and he will, the Chair believes, be back soon.

Pandit Govind Ballabh Pant: It is unfortunate that other urgent engagements should have stood in the way of his being present here. But the fact remains that the Commerce Department has not yet been able to extend any assistance to this industry.

Now, Sir, I ask the Government, what are their plans? It is no use saying that this industry should not adopt the Convention. Well, Sir, about this Convention too I would like to know what is the exact constitutional position. We have just seen the sickening farce of prolonged and utterly fruitless debates over Government motions for the consideration of the Indo-British Agreement, and the Joint Parliamentary Committee Report. The House threw out the Indo-British Agreement. The Government on their own initiative sought the decision of the House, and when the House recorded an adverse decision at variance with their preconceived notions, they completely disregarded it. Then, again, the Government put before us the motion for the consideration of the Joint Parliamentary Committee Report. The House framed and formulated its opinion in unmistakable terms in precise form. The Government do not seem to care a tuppence for that as the progress of the Bill in the House of Commons indicates. I do not know, Sir, what the Government intend to do in respect of this Resolution relating to this Convention. I should like the Honourable the Member for Industries and Labour to tell us whether the views of this House are to be treated with the same amount of courtesy which they have shown in the matter of the Indo-British Agreement or the Joint Parliamentary Committee Report. It involves not only utter lack of courtesy, but lack of decency even. It is a deliberate slap on the face with the knowledge, if not the intention, of insulting and injuring the man slapped. What is the use of bringing these motions before the House if our opinion is not to be reckoned with? If no notice is to be taken of our opinion, why waste the time of the House? I ask the Honourable Member for Industries and Labour and other Members of Government with great humility and respect, I ask the Leader of the House as to what he thinks about it: as to whether our decision is to be acted upon or whether it is to be again thrown overboard, if it does not tally with the views of the Government themselves.

Sir, coming to the Resolution itself, my position is simple. I have given you an outline as to the genesis, the growth, the difficulties and the embarrassments of the U. P. Glass Works. I cannot conceive of the labourer working for 56 hours in this continuous process of labour. My Honourable friend, Mr. Clow, considers it only a question of arithmetic, as one capable of being treated in a spirit of scientific detachment, indifference and unconcern and perhaps contempt as arithmetic is . . .

Mr. A. G. Clow: May I make a personal explanation, Sir? I think that is an extremely unfair attack. What I said was that the 48 hours question is one of arithmetic, that you have to choose between 56 and 42 and you cannot stop at 48. I did not suggest that the whole thing was a matter of arithmetic, nor did I treat it with contempt or anything of the kind.

Pandit Govind Ballabh Pant: In a way, what we are concerned with is the number of hours of labour and numbers are certainly a question of arithmetic. He has just repeated that he said no more than that 42, 48 and 52 are questions of arithmetic, I can only say that he has ignored what lies behind these arithmetical notations and figures. (Hear, hear.) It is a question of humanity, it is a question of fair dealing, it is a question of protecting the weak against the strong, it is a question of preventing the exploitation and the victimisation of labour. Sir, the question has to be looked at from that point of view. The fact that certain figures are involved in the process does not reduce it to a dry conundrum on arithmetic or mathematics. Sir, what I would like this House to understand is this. This continuous process of glass blowing in the neighbourhood of a furnace which is seldom below 200 degrees Centigrade involves questions affecting health

The Honourable Sir Frank Noyce: The Honourable Member is confusing the two processes. We are dealing with the automatic manufacture of sheet-glass. Glass blowing is an entirely different process.

Pandit Govind Ballabh Pant: I am not unaware of that. What I was saying was that this process of manufacture of glass plates in the case of this particular factory, with which I am dealing at present, is carried on in the same premises along with other varieties of glass as this Company does not concentrate on plate glass alone, but manufactures hollow glass wares also. So it does not make any difference. If the Honourable Member for Labour and Industries has any information which goes against my statement, I would welcome it and give way to him to correct me.

The Honourable Sir Frank Noyce: The position is that even if the facts are as stated by my Honourable friend,—and I do not doubt that for a moment,—the Convention with which we are dealing only applies to the sheet-glass part of the industry. And even if we were to ratify this Convention, there would be nothing to compel us to apply it to the other manufactures carried on in the factory. The position is that the 42 hour week would be applied to what I understand is the least arduous part of the factory working,—automatic sheet-glass,—and the 56 hour week would be applied to the glass blowing and other manufactures.

Pandit Govind Ballabh Pant: I will have no quarrel with the Honourable Member if he brings forward a proposal for the extension of this principle also to other departments of glass manufacture, and I invite him to do so. So, on that point, there is no issue between him and me. If he accepts the proposition in respect of this particular branch which is before us now we will not quarrel about others hereafter. That much of understanding I am prepared to come to with him even at this stage when he seems to be a bit excited—I hope he is not so now.

Then, Sir, I was telling you that in this case the protection of the labourer is a vital question and I have placed before you facts which should convince you that unless some sort of restraint is imposed on the employers, the exigencies of the situation and the inexorable logic of facts will compel them to get as much out of these labourers as is possible. To me the way out seems to be clear enough, and it is this, that Government should take action under the Safeguarding Act or otherwise; but they must extend proper assistance to this factory, otherwise it is bound to go to the wall. There was one proposition which was put forward by the Secretary

for Industries and Labour,—I presume that is Mr. Clow's designation—in which he said that it would be obnoxious to all notions of fiscal economy if the ideas of protection of labour were mixed up with those of protection of industry. I do not know how he thinks so. My own idea is that it must be the primary duty of the State, whenever it extends any sort of assistance to any industry, to see that no sweating goes on inside that industry and that humane principles are enforced in full. The State cannot extend its assistance at the cost of the consumer for purposes of profiteering and, if I may say so, for prostitution of human energy. That is not the purpose for which the State is meant. It must serve a moral purpose, and, while protecting the industry, it must protect the morals, the health and the welfare as well as the safety of the labourer. So I submit that the solution of this case should lie in the extension of adequate assistance to the industry, and, along with that, the imposition of a condition on the management and the Company that they will not get out of the labourers work for more than 48 hours in the week. Sir, I think it is possible to solve the arithmetical conundrum. If there is a will, there is a way, and it is not an insoluble position. Sir, I will not say more; I hope Government will extend adequate assistance to this Company and also take necessary measures for the protection of the labourers employed therein.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, I rise to support the amendment of my Honourable friend, Mr. Joshi. This Convention is a decision of the International Labour Conference. The International Labour Conference represents the whole civilised world and thus the decision is a decision of the civilised world. Nobody in the House should expect that this Government is going to accept this decision, because this Government is not civilised. Sir, like my Honourable friend, Mr. Ranga, I also hail from the interior of the country and claim to know the condition of the agricultural labourers there. When I think of the condition of the agricultural labourers, I fail to understand the very utility of this so-called devilish Government. Sir, I know what the officials in the mufassil do. They run from village to village and organise Aman Sabhas for the purpose of getting support for the Joint Parliamentary Committee's Report. I have never heard any officials inquiring about the welfare of the people and the labourers there. Sir, the nature of the Government is despotic. All the Government officials, the landlords and other allies of the Government, behave in a despotic manner in their own spheres of activity. Their employers and the landlords behave with agricultural labourers as if they are so many cattle. They treat these labourers in any manner they like. They can make them work for hours together; they may require their attendance even at night. This is the condition there. May I ask this so-called devilish Government what they are doing for the people in the mufassil?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member must withdraw that expression; it is not parliamentary.

Mr. Ram Narayan Singh: With your permission, Sir, I withdraw that expression, though very unwillingly.

Sir, if this Government were worth the name, they should have some organisation to care for the welfare of the people in the mufassil. They should ask their subordinate officials in the mufassil to do something by way of protecting the labourers there. The officials may be asked to

[Mr. Ram Narayan Singh.]

report as to how many hours the labourers are asked to work, what are their wages and what treatment they get from their employers. I think at least this suggestion will be accepted by the people on the other side of the House. With these words, I again support the amendment.

The Honourable Sir Frank Noyce: Sir, I must apologise to my Honourable friend, Pandit Govind Ballabh Pant, if even for the fraction of a moment I imported into this debate the temperature of a glass-blowing factory. As those who know me better than he does know, it is not my way to do that, but I happen to be in the House today in defiance of the doctor's orders and that must be my excuse.

I do not think there is really very much I have to add to what I said at the outset or to the exposition of the case against the ratification of this Convention which was amplified by my Honourable friend, Mr. Clow. There are, however, just one or two points which have been made in the course of the discussion on which I should like to comment. One is Mr. Joshi's statement that since 1929 our attitude towards the International Labour Office and its Conventions and recommendations has changed. I am quite certain that there is not the slightest ground for that contention. All that has happened is that the broad principles which were apparent in the days when the International Labour Office attacked the great field of labour problems have all been settled more or less, and that the Labour Office is now examining refinements, if I may call them so—refinements in various fields which are more appropriate to western nations than they are to the conditions of India. My Honourable friend, Pandit Govind Ballabh Pant, if I heard him correctly, talked of our being helots in the International Labour Office, or was it in the League of Nations?

Pandit Govind Ballabh Pant: Not you: we Indians are the helots.

The Honourable Sir Frank Noyce: I would point out to him that India meets the other nations of the world and the other component parts of the British Commonwealth of Nations on absolutely equal terms so far as the International Labour Office is concerned, and I would give him as an illustration of my contention the fact

Pandit Govind Ballabh Pant: I did not suggest anything to the contrary so far as the Government of India's representatives are concerned. My point was different.

The Honourable Sir Frank Noyce: I am very glad indeed he admits that, and that there is no question of any echoing of 'His Master's Voice' in this connection: I was about to give an illustration of our absolute independence in the fact that as regards this very Convention the British delegates voted for it whereas the delegates for India voted against it. I would also mention, in contravention of what Mr. Joshi said about our changed attitude, a charge which I maintain does not exist—that Mr. Clow himself was one of our delegates to the last session of the Conference in order that we might keep in close touch with what is happening at Geneva. My Honourable friend, Pandit Govind Ballabh Pant, asked me for information as regards the constitutional position in respect of these Conventions. I do not profess to have studied it carefully, because the question so far, I am glad to say, has never arisen. The Conventions have to be placed before this House for their recommendation in regard to ratification or non-ratification as the case may be, and

so far as I know, no difficulty has ever arisen owing to the House disagreeing with the recommendation which has been placed before them. I would remind the Members of the House that there are two Houses of this Legislature and that the recommendation has also to be considered in another place. In the event of the views of the two Houses being different on a particular recommendation, we should naturally have very carefully to re-examine the position; but, as I said, that question has never yet arisen, and I hope that it will not arise.

Coming to the merits of the case, I have very little more to say; but what I would do is to appeal to the House in the name of the logic of the position. We passed a Factories Act last year allowing for a 56-hour week in all continuous process factories. Continuous process factories include amongst others steel factories, and, in my view, the conditions in some processes in steel factories are very much more arduous than they are in this particular glass factory. It may be that if the House last year had been of a different composition, if it had been of its present composition, it might not have agreed to a 56-hour week for continuous process factories: it might have wanted something else. It might have been prepared then and there to make a big leap. But the fact remains that it did not do so and that we have a 56-hour week in all continuous process factories. The argument on which I lay most stress is that there is no reason for singling out one particular factory in which conditions of work are not more arduous, in fact are less arduous, than they are in many other factories, for special treatment. Let us wait until we can take the next step in regard to all continuous process factories. My Honourable friend, Pandit Govind Ballabh Pant, knows this industry from personal experience: he has been to the factory: I cannot claim to have done so: and he reinforced my contention that it is struggling for existence, and he wants Government to do something for it. I can only ask him to wait and see

Pandit Govind Ballabh Pant: Wait till this factory is wiped out and then see its ashes?

The Honourable Sir Frank Noyce: That may be: I cannot comment on that aspect of the case, for I entirely agree with Mr. Clow that we must deal with the question of protection entirely apart from the general question of hours of work. We have not enforced any special conditions in regard to hours and wages on other protected industries: why should we now single out this particular industry for special treatment in that respect and say, "We will not give you protection unless you reduce your hours of work", or "We will give you protection if you reduce your hours of work"? Where is the equity there? My Honourable friend, Pandit Govind Ballabh Pant, has appealed to Government to do something for this industry. I would ask him on his side also to do something for this industry and not inflict what I am convinced would be a fatal blow to it by compelling it to reduce its hours of work from 56 to 42.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will first put to the House the amendment of Mr. B. Das as it asks for the postponement of the consideration of this question until the Tariff Board has reported on the glass industries in India.

Mr. B. Das's amendment, when read in conjunction with the Resolution will read thus:

"This Assembly, having considered the Draft Convention for the regulation of hours of work in Automatic Sheet-glass Works adopted at the Eighteenth Session of the

[Mr. President.]

International Labour Conference, recommends to the Governor General in Council that the matter be brought up before the Assembly for reconsideration after the publication of the Report of the Tariff Board on glass industries in India."

The question is:

"That for the words 'that he do not ratify the Draft Convention', the words 'that the matter be brought up before the Assembly for reconsideration after the publication of the Report of the Tariff Board on glass industries in India' be substituted."

The Assembly divided:

AYES—51.

Aaron, Mr. Samuel.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Ba Si, U.
Banerjee, Dr. P. N.
Baqi, Mr. M. A.
Bardoloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Fakir Chand, Mr.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Hosmani, Mr. S. K.
Iswar Saran, Munshi.
Jedho, Mr. K. M.
Jogendra Singh, Sirdar.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.

Lindsay, Sir Darcy.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi
Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Sham Lal, Mr.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Thein Maung, Dr.
Thein Maung, U.
Umar Ali Shah, Mr.
Varma, Mr. B. B.

NOES—42.

Abdul Aziz, Khan Bahadur Mian.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab.
Ayyar, Rao Bahadur A. A.
Venkatarama.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Craig, The Honourable Sir Henry.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dow, Mr. H.
Drake, Mr. D. H. C.
Gauba, Mr. K. L.
Ghulam Bhik Nairang, Syed.
Graham, Sir Lancelot.
Grigg, The Honourable Sir James.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Kirpalani, Mr. Hiranand Khushiram.
Lal Chand, Captain Rao Bahadur
Chaudhri.
Metcalf, Mr. H. A. F.
Monteath, Mr. J.

Muhammad Nauman, Mr.
Mukharji, Mr. N. R.
Mukherjee, Rai Bahadur Sir Satya
Charan.
Nayar, Mr. C. Govindan.
Noyce, The Honourable Sir Frank.
Owen, Mr. L.
Raisman, Mr. A. J.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Sarma, Mr. R. S.
Scott, Mr. W. L.
Shafi Daudi, Maulvi Muhammad.
Sher Muhammad Khan, Captain
Sardar.
Siddique Ali Khan, Khan Sahib
Nawab.
Singh Mr. Pradyumna Prashad.
Sircar, The Honourable Sir
Nripendra.
Sloan, Mr. T.
Swithinbank, Mr. B. W.
Tottenham, Mr. G. R. F.
Ziauddin Ahmad, Dr.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the Resolution as now amended be accepted.

The motion was adopted.

RESOLUTION RE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING UNEMPLOYMENT INSURANCE AND OTHER FORMS OF RELIEF.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That this Assembly, having considered the Draft Convention ensuring benefit or allowances to the involuntarily unemployed, and the Recommendation concerning unemployment insurance and various forms of relief for the unemployed, adopted by the International Labour Conference at its Eighteenth Session, recommends to the Governor General in Council that he do not ratify the Draft Convention, nor accept the Recommendation."

It was just over a year ago, on the 30th January and the 6th February, 1934, to be exact, that this House debated for two full days the important question of unemployment on a motion moved by my Honourable friend, Mr. Joshi, and without a dissentient, adopted a motion in the following form:

"That this Assembly recommends to the Governor General in Council to pursue such measures as may be practicable to protect the workers in the country against unemployment and reduction of wages."

I readily accepted that Resolution on behalf of the Government, for I hold that it merely embodied the policy they have adopted and will continue to adopt. That being so, this House will, I am sure, need no assurance from me that it is with very great regret that I have had to place before it a recommendation against the ratification of a Convention which is intended to ensure benefit or allowances to the involuntarily unemployed. The reason why I do so is because the Government are convinced that this is not a measure which falls within the category of such measures as may be practicable to protect workers in this country against unemployment. I hope, Sir, to be able, in spite of the division on my last motion, to convince the House of the soundness of that contention.

I have no doubt that those Members of the House who are interested in the subject—and that, I am sure, includes all those Members who are present here today—have read the provisions of the Convention we are discussing, but in order to focus our discussion, it is, I think, desirable to draw their very special attention to the provisions of Article 1 on which the rest of the Convention hinges. That Article runs as follows:

"Each Member of the International Labour Organisation which ratifies this Convention undertakes to maintain a scheme ensuring to persons who are involuntarily unemployed and to whom this Convention applies:

(a) benefit, by which is meant a payment related to contributions paid in respect of the beneficiary's employment whether under a compulsory or a voluntary scheme; or

(b) an allowance, by which is meant provision being neither benefit nor a grant under the ordinary arrangements for the relief of destitution, but which may be remuneration for employment on relief works organized in accordance with the conditions laid down in Article 9; or

(c) a combination of benefit and an allowance."

[Sir Frank Noyce.]

It will be seen from this that a ratification of the Convention involves a ratifying country in one of three courses. It must either institute an insurance scheme, or it must have a scheme for relief works organised in accordance with the conditions laid down in Article 9, under which "the right to receive benefit or an allowance may be made conditional upon the acceptance, under conditions prescribed by national laws or regulations, of employment on relief works organised by a public authority," or it must have a combination of both. Now, Sir, important as the subject is, I do not think that it is necessary for me to discuss at any great length the practicability of the first of these three courses, that is, the establishment of an insurance scheme. There is but little I can usefully add to what the Whitley Commission said on the subject, which was:

"So far as the relief of the unemployed is concerned, we received some suggestions for the establishment of a statutory system of unemployment insurance, but we cannot regard any national system of insurance with which we are familiar as feasible at present in India. With the existing turnover and in the absence of an industrial population which is both permanent and regular, the risk is not a calculable one. Therefore, even if the workers were able and willing to contribute, there is no basis on which a scheme could be built."

That, Sir, was the verdict of the experts of whom my Honourable friend, Mr. Joshi, was one, and we laymen have perforce to accept it. It is true that my Honourable friend, Mr. Joshi, said last year, and he doubtless will say again this afternoon, that, if the Whitley Commission were reporting today, they would take a different view. That, Sir, is a matter of opinion, and I am quite sure that the opinion of another member of the Whitley Commission present in this House today, my Honourable friend, Mr. Clow, does not coincide with that of Mr. Joshi. But how has the problem changed since the Whitley Commission reported? Is the existing turnover of labour any less than it was then? Is the industrial labour any more permanent or regular than it was five years ago, and therefore, is the risk any more calculable? Is the worker any more able or willing to contribute to an insurance scheme than he was five years ago? For an essential part of any insurance scheme is the workers' contribution. Now, Sir, my Honourable friends opposite, who claim to represent the agricultural community and speak with such confidence as to what that community is prepared to do for the industrial community, may say the fact, the important fact that this scheme does not apply to agricultural labour—I think that is a fact to which it is desirable to draw the attention of the House—does not make any difference. They may say that the agricultural labourer is quite willing to see the industrial labourer with an insurance scheme to which he will have to contribute, for usually there are three contributors to an insurance scheme, the workers, the employers and the Government. It is perfectly true that you can do without the Government contribution, but so far as I know, that is an essential part of the insurance scheme of the most advanced nations. I am sure the House will agree with me that a voluntary scheme is out of the question, and I have no doubt that a compulsory scheme involving a deduction from wages,—as it inevitably must, unless the employer is to contribute twice over, for I hardly think that a scheme based on workers' contribution alone could be seriously contemplated,—would be keenly resented by workmen in this country who feel that they can, when unemployment overtakes them, always return to their villages until times look up again. But,

Sir, as will be seen from the Whitley Commission's Report, the Commission did not base their objections on the cost of the scheme to the worker, to the employer or to Government,—that is, as I have already pointed out, to the general tax-payer,—all of which would add to the cost of production in this country and certainly for the time being and for a long time to come, I think, would place our industries in a less favourable position to compete against those in other countries or in Indian States. Those elements, cost to the worker, cost to the employer and cost to Government are strong arguments, stronger doubtless in the view of some sections of this House than in some others but they are mere subsidiary arguments. The main argument is that there are no data on which to base a scheme and it is on that that I take my stand. Whether and when that data will be forthcoming I hesitate to prophesy. As I pointed out in the course of last year's discussion—and I would repeat it to-day for the benefit of the Members of the House who were not here then,—in England which Mr. Joshi so often holds up to us as an example in matters of this kind, unemployment insurance started with the trades unions and they paid out of work benefit for years before any official organisation existed. There was thus a solid foundation for a Government scheme of unemployment insurance. Has anything of that kind yet been attempted in India? That, Sir, concludes all I need say at this stage about unemployment insurance, but I shall doubtless be asked why if it is not possible to accept an unemployment insurance scheme, it is also not possible to accept the second course open, namely, schemes for relief work which after all, it may be said, is very much what the Whitley Commission went on to recommend in the section of its report from which I have read the opening sentences. It is most important to bear in mind exactly what the Whitley Commission said on this point. Referring to the system of famine relief they said that that system was devised before organised industry had developed and has been evolved with reference solely to the rural population. It has been of great value to them at times and might prove capable of adaptation to the towns. The principles and methods of the system seem to us to be more likely to be successful in dealing with urban unemployment under present conditions than those of any Western scheme of insurance. The essence of the system, as we understand it, is the preparation beforehand of schemes of work for the workless, and the putting of these into operation when the flow of labour to test works has demonstrated the need of relief. The wage paid is a bare subsistence rate, and it is coupled with subsidiary measures of relief for those who are not able-bodied and for dependants. The works selected for the purpose are capable of being carried out by unskilled labour and are usually designed to be of lasting benefit to the community. There should certainly be no difficulty in providing such work in urban areas. The industrial areas in particular offer great scope for improvements in the way of slum clearance and the construction of roads and drainage. In some areas work of this kind, if undertaken on the lines followed by Improvement Trusts, should involve less financial loss than those available in rural areas and might even prove remunerative. The cost of test works would be small and, at times like the present, these would show whether there was acute need of more extensive measures. Care would have to be taken to avoid attracting labour from the country to the towns, but we believe that this danger could be obviated.

Now, Sir, there are various schools of thought in regard to the value of expenditure on public works in times of economic depression. There

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is one school of thought which holds that lavish spending in that direction is calculated to be of great and speedy benefit in lifting depression. I gather from an interruption by my Honourable friend, Mr. Joshi, the other day that he belongs to that school of thought. There is another school of thought which holds that the idea that expenditure on public works helps in times of depression is an economic fallacy and that sooner or later a nation which indulges in it will have cause to regret it, because, obviously, if you spend money on projects, whether productive or non-productive, you have sooner or later to foot the bill for them, in the form of interest on the loans that you have raised. There is a third school which believes in judicious expenditure to the extent you can really afford on things which can be of permanent use and it is to that school that we, the Government of India, belong, as Sir George Schuster explained last year. But the point is that to whichever school we belong in regard to this matter, our projects for expenditure in times of depression do not meet the criterion laid down in this Convention. That is a point I wish to urge on the House with all the emphasis at my command that temporary works undertaken in times of depression do not satisfy that criterion. Let me remind the House again of the terms of the Convention. What the Convention seeks to give is the right to receive benefit or allowance by an unemployed person at all times, not only in times of economic depression. Schemes of relief works must, therefore, be permanent ones and that is the point to which I would direct the attention of the House. How are you going to get satisfactory permanent schemes to which you can divert labour in times of unemployment? Here, again, as in regard to the first Convention we discussed today, I have not been able to ascertain the history of the way in which the Convention emerged in its final form as satisfactorily as I could have wished. It seems to me—in fact I have no doubt whatever on the point—that in the minds of the framers of the Convention it was the insurance scheme that took first place and that they merely offered the allowance as an alternative and a less satisfactory one, without thinking out its full implications or at any rate its full implications as far as a country like India is concerned. Moreover, the Whitley Commission's proposals merely suggest schemes of relief for unemployment in urban areas in times of depression. What the Convention asks for is schemes for the relief of unemployment of industrial labour in all areas at all times and I maintain that it is impossible in India to provide schemes of that character. On what sort of work are you going to employ people temporarily unemployed in one part of a big province industry in which happens to be languishing? Are you going to send them to the other end of the province, and, if so, would it not require a very elaborate organization to test their bona fides, to transport them and to see that the works on which they are employed are of some practical use? The second point on which I wish to lay stress is this. It is very easy for us to make a gesture here towards labour, but who is going to foot the bill?

An Honourable Member: We.

The Honourable Sir Frank Noyce: I rather think an Honourable Member said "we".

An Honourable Member: Yes.

The Honourable Sir Frank Noyce: But who are we?

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): The people of this country.

The Honourable Sir Frank Noyce: I am very glad to hear that, but I am not quite sure whether the Legislature of the Province from which my Honourable friend comes would agree with him. 4 P.M. As I said, it is very easy for us here to pass a measure imposing a very heavy burden, for whatever we do, whether we have an insurance scheme or a benefit scheme, the burden is going to be a very heavy one indeed. It is very easy for us to pass a measure establishing such a scheme, but it is not we, that is, the Central Government, who are going to pay. I would remind the House that under the present Constitution labour is a provincial reserved subject, but under the coming Constitution when we get Provincial Autonomy, unemployment will be a wholly provincial subject. It will, therefore, be for the Provinces to foot the bill. Therefore, Sir, I do maintain, with all respect, that it is not for us here to impose what would be an intolerable burden on the Provinces even if, as I have said, it were practicable. I trust, Sir, I have said sufficient to show the difficulties in the way of ratification. Many of my Honourable friends opposite will not admit that they are insuperable, but I trust I have at any rate given them cause to think of the difficulties that stand in the way of our ratifying this Convention. Before I close, I should like to say a word about the extent of unemployment in this country. It is very usual to talk about the menace of increasing unemployment in India. I hardly think, Sir, that the figures bear that out. I have figures here for the last six years—such figures as we have got. Honourable Members know that our employment figures are not as complete as we should like them to be, but we have figures which cover quite a considerable range of industry. We have figures for factories, mines and railways—excluding railway workshops which are included under factories. In 1929—the peak so far reached of unemployment—the total number of persons employed was 2,505,039; during the last year, for which we have figures available, that is 1933, they were 2,205,229, so that all through these years of depression they have only fallen by just under 300,000—a percentage of just under 12 per cent. I maintain, Sir, that there is no country in the world with the exception of Japan which can show as good figures as that; and I am absolutely certain that if we had the figures for 1934 available, they would show a very greatly improved position. I have statements here issued by the Employers' Federation of India which show that, in November last, in the cotton textile industry which when I spoke last year on this subject was in a very depressed condition, the consumption of Indian cotton in the mills in India was 15 per cent. above that in November, 1933, and higher than in any month throughout the whole of 1934 except October. There are figures here showing also that our steel production is working to capacity. Coal has been another depressed industry and is still, I am afraid, but even here the raisings and despatches last year were considerably higher than they were the year before and the figures are still improving. Our railway earnings are also improving, and that I hope is bringing with it some increase of employment. I have mentioned these facts with a view to urging the House to look at this matter in its proper perspective, which is that, although we may have an industrial unemployment problem, it

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is not a very serious one. It is certainly not so serious as, in fact it is very much less serious than, the middle-class unemployment problem. My friends opposite who represent the agricultural classes are better able than I could speak on the point, but I should say that possibly owing to the pressure of increasing population it is less serious than agricultural unemployment. I trust, Sir, I have convinced the House that our industrial unemployment problem is not, after all, a really serious one. We shall shortly be placing in the Library—I shall be very happy to supply a copy of it to all Honourable Members who ask for it—copies of our report on the action taken by the Central and the Provincial Governments on the recommendations made by the Royal Commission on Labour and they will see from that that the view I have advanced is based not only on my own information but on that supplied by Local Governments.

Pandit Govind Ballabh Pant: May I just know what proportion does the industrial population in this country bear to the entire population?

The Honourable Sir Frank Noyce: My Honourable friend can obtain a rough idea from the figures I gave him. It is extraordinarily difficult to say. Mr. Clayton gave us some interesting figures in the course of the discussion last year based on the census figures. I will not detain the House by looking up those figures, but I think my Honourable friend knows that about 70 per cent of the population of this country is agricultural.

Mr. S. Satyamurti: 80 per cent.

The Honourable Sir Frank Noyce: I put it at between 70 and 80 per cent. The reason why I have dwelt at some length on this question of the industrial unemployment position is that I wish to make it clear that the mere fact that we are not ratifying the Convention does not mean that we are doing nothing to deal with such problems as may exist. I would point to the improved position of our industries, and I would also point out what we are doing in the way of development of roads and the development of civil aviation. (Ironical Laughter from the Opposition Benches.) My Honourable friends may laugh, but we are spending a crore a year on the development of roads and we are about to spend a crore on developing Civil Aviation.

Mr. S. Satyamurti: How many labourers do you employ?

The Honourable Sir Frank Noyce: The money will be spent in this country and it will provide employment.

Mr. S. Satyamurti: But how many people do you employ?

The Honourable Sir Frank Noyce: It takes a good deal of labour to consume a crore of rupees.

Mr. Bhulabhai J. Desai (Bombay City: Non-Muhammadan Urban): What about the price of the machines?

The Honourable Sir Frank Noyce: The expenditure has nothing to do with the machines; it is purely for the provision of aerodromes, buildings and landing grounds and the like; it is not being spent on machines. Then, again, there is our tariff policy behind which a multitude of small industries are springing up in this country, to which we hope before long to be able to offer the assistance of the Bureau of Industry, Intelligence and Research which has recently been established. In the course of my tours I am frequently asked either to open or be present at the opening ceremony of a number of Exhibitions, and it is, to my mind, astonishing to find the extent to which India is growing more and more self-sufficient in the matter of her requirements.

I would once more emphasise that the mere fact that we recommend to this House that it should in turn make a recommendation to the Governor General that this Convention should not be ratified does not in any way imply that we are indifferent to the problem of expanding industrial employment in this country.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That this Assembly, having considered the Draft Convention ensuring benefit or allowances to the involuntarily unemployed, and the Recommendation concerning unemployment insurance and various forms of relief for the unemployed, adopted by the International Labour Conference at its Eighteenth Session, recommends to the Governor General in Council that he do not ratify the Draft Convention, nor accept the Recommendation."

To this Resolution notice has been given of two amendments, one by Mr. Joshi and the other by Prof. Ranga and Mr. Giri. Both the amendments appear to be substantially the same. Therefore, the Chair will take Mr. Joshi's amendment.

Mr. V. V. Giri (Ganjam cum Vizagapatnam: Non-Muhammadan Rural): Sir, I beg to withdraw my amendment in favour of Mr. Joshi's amendment.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I beg to move:

"That for the words 'that he do not ratify the Draft Convention, nor accept the Recommendation' the following be substituted:

'that such steps, legislative or otherwise, may be taken for the relief of unemployment as would lead to the ratification of the Draft Convention and the acceptance of the Recommendation as soon as practicable'."

May I, Sir, with your permission, amend the wording of my amendment only by substituting the word "and" in place of the word "or" which expresses my original intention when I gave notice of my amendment.

Mr. President (The Honourable Sir Abdur Rahim): There is perhaps no objection to that.

(No objection was taken.)

Mr. N. M. Joshi: May I also, with your permission, join the Honourable Member in charge of the Department of Industries and Labour in expressing my deep regret at the sad death of the Right Honourable J. H. Whitley, who was the Chairman of the Royal Commission on Labour.

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on which I had the honour to serve. I know, Sir, how hard Mr. Whitley worked on that Commission, and also know very well how sympathetic he was towards the welfare of labour. The Indian labour owes to him a deep debt of gratitude for the work which he did in their cause.

As regards the Resolution and the amendment, may I also, with your permission, say a word or two as to what has been said by some speakers about the International Labour Organisation. My Honourable friend, Dr. Ziauddin Ahmad, said that the International Labour Organisation devotes more attention to industrial workers than to agricultural workers. I would like to point out to him that the International Labour Organisation has passed several Conventions for the protection of the agricultural workers also. It was also said that the International Labour Organisation has not done much good for the Indian workers. Sir, I have been associated with the work of this Organisation for a very long time, and I can say very truthfully that the Organisation has done to India, especially to Indian workers, a great amount of good, and, it is for that reason, that I was anxious to impress upon the Government of India the necessity of their co-operating with that Organisation with a greater sympathy than I thought they showed in recent times.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Will the Honourable Member be able to tell us the year in which they passed Conventions for the protection of agricultural labour?

Mr. N. M. Joshi: I think it was in 1921 or 1922. I am quite sure about that, because I had the honour and pleasure of attending that Conference also. Perhaps the Honourable Member was not interested in that Organisation in that year.

Pandit Govind Ballabh Pant: In fact, there is the ninth Resolution in this very Report referring to unemployment among agricultural labourers.

Mr. N. M. Joshi: Mr. President, now as regards the Resolution and my amendment. The Honourable Member in charge of the Department of Industries and Labour has already pointed out that it was only last year that the House passed a Resolution recommending to the Government of India to take steps for the relief of unemployment. The Honourable Member mentioned a few things which, he said, the Government of India were doing for the relief of unemployment. Sir, I am not satisfied with his reply at all. The Honourable Member also gave some figures to show the extent of the unemployment. His figures themselves showed that in the organised factories 300,000 people are unemployed. He makes very light of that figure.

The Honourable Sir Frank Noyce: My Honourable friend has misinterpreted those figures. It may be that there were 300,000 people, less employed in the year 1933, than they were in 1928, but it is important to remember that there was the ordinary wastage in the interval. It does not follow that there were 300,000 men out of work in 1933 who were at work in 1928, because we must take into account the ordinary wastage through death and retirements which is fairly heavy.

Mr. N. M. Joshi: Even supposing that the figure is 200,000. I feel that it is a very large number of people for whom we should have sympathy and we should do something. The figures which he gave were only confined to factories. But, let us take other industries. Take mining

The Honourable Sir Frank Noyce: I am extremely sorry to interrupt my Honourable friend, but if he will not quote me correctly, I have to do so. I did endeavour to explain, and I hope my Honourable friends opposite heard me, if Mr. Joshi did not, that the figures I was quoting covered a fairly large field. I said very definitely that they covered factories, mines, and railways.

Mr. N. M. Joshi: The figures which he gave covered factories, mines and railways. I can point out to him that there are some other organised industries which are not covered. There is unemployment in the docks: the Royal Commission mentions that in the docks, the workmen do not get more than ten to twelve days work in a month. There is great unemployment amongst seamen which are not covered by the Honourable Member's figures and the Royal Commission does recognise the existence of unemployment amongst seamen. Moreover, the figures which the Honourable Member has given are figures for, what I may call, organised industries. My Honourable friend, Dr. Ziauddin Ahmad, referred to agriculture. So far as agriculture is concerned, there is unemployment from four to six months in the year for all agricultural workers. But what we have to remember is this: that on account of the world depression and the lowering of the purchasing power of the agricultural community in this country, the industrial workers have also suffered. The Honourable Member said that there is more unemployment in agriculture and for the middle classes. But I would like to suggest to the House that it will be very wrong on our part to try to solve the problem of unemployment among agricultural workers, industrial workers and the middle classes separately. The unemployment of all these classes is inter-dependent. (Hear, hear.) If there is unemployment in agriculture, there is bound to be unemployment in a country like India in industry and if the middle class people want some relief from unemployment, let them remember that unless agriculture improves and unless industry in this country also improves, there is not going to be much more employment for them. The only other kind of employment left is Government service, and, I am quite sure, that the Government are not going to extend the field of employment for them beyond a very small extent. I, therefore, feel that it will be wrong to try to tackle this problem separately. Now, the Honourable Member himself has suggested certain remedies and he gave his views on some of the suggestions for remedies against unemployment. The first remedy, which I myself suggested last year, was that the Government of India should undertake some measure of unemployment insurance. He quoted the Royal Commission on Indian Labour and he said that the risk of unemployment is not calculable. Well, Sir, it was last year that I complained that the Government of India do not even care to collect statistics regarding unemployment. Last year, they said that they had brought two Professors from England to collect statistics. Unfortunately, I do not yet know what the Government of India have done to give effect to the recommendations of these two Professors. If the Government of India had established some kind of organisation to collect statistics, perhaps those statistics would have helped us in calculating the risk. Secondly, the Honourable Member said that in

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England the beginning was made by voluntary organisations of the working classes, called Trade Unions. I want to ask the Government of India whether it is right for a Government which collects taxes from the people to wait for voluntary organisations doing the work which they themselves should do. If the Government of a country refuse to do anything to save human life, certainly there will be some voluntary organisations to do some work in that direction, but it is wrong for the Government of a country, which collects taxes and which is responsible for the life and safety of the people, to wait for some voluntary organisations coming into the field and showing them the way. I feel, Sir, that the Government of India should immediately take some steps to make a beginning of unemployment insurance. It is quite true that the risk is incalculable, but we have to make a beginning and that beginning should not be left to be made by voluntary organisations. That beginning should be made by the Government of India. I would like the Government of India at least to make a beginning on a small scale. I quite realise that if you start a system of unemployment insurance for everybody in this country, it will be difficult. But the Government of India could certainly make a small beginning. It is not necessary that all people in the country should be covered immediately. Let the Government of India make a beginning with their own employees on the railways, the Government Printing Presses, the Government factories, Ordnance factories and several other factories which the Government of India themselves own. Let the Government of India also include in the list certain factories owned by municipalities and other public bodies. Besides these, the Government of India can very well take a few other organised industries, like the textile, the mining and the plantation industries. If the Government of India first restrict their scheme for unemployment insurance to these organised industries, I am quite sure that there will not be much difficulty in calculating the risk and if they do that, a beginning will be made with which at least I shall be satisfied.

Then, Sir, the second remedy, suggested in this Convention as well as by the Royal Commission, is that the Government should start public works. Sir, the Honourable Member gave certain of his objections for that. He said that it would cost money and somebody will have to foot the bill. For everything that the Government does, somebody has to foot the bill and there is absolutely no doubt that if the House passes this Resolution and accepts my amendment the House will vote the money. I am quite sure that if the Honourable Member should bring forward a measure and if he should ask the House to support the demand for money, the House will do it. But the Government of India have never tried or tested the spirit of the Legislature at all. There was no measure for the protection of Indian labour which the Government of India brought forward before the Legislature and the Legislature did not accept. Let the Government of India bring forward some measure for the protection of labour, let them throw the responsibility of not passing that measure upon the Legislature. Let them do that at least once. But they have not done that. I would, therefore, suggest to them that they should not plead the excuse of the money not being found by the people of this country.

Then, Sir, he said that what is necessary is to have permanent relief works and not temporary relief works. The unemployment, especially the unemployment for industrial workers with which we are dealing, is generally

found in cities and towns and the Royal Commission itself says that you can always have not temporary, but a sort of permanent, schemes for the improvement of the towns, the clearance of slum areas, the making and improving of roads, the improving of the drainage system and several other schemes. In India our towns are in such a bad condition that if we begin to improve them by means of unemployment relief work as well as by general work for improving the cities, it will take a number of years and these works need not be considered to be temporary, but will be of a practically permanent character. What I would like the Government of India to do is to make a beginning somewhere and, as I suggest, they should make a beginning with the organised industries owned by themselves as well as by some other organised industry.

The Honourable Sir Frank Noyce: I should like a little more explanation from my Honourable friend. In the organised industries owned by Government there is already security. What is the use of unemployment insurance for people who have already got security in their employment? Even temporary hands in Government service have security. There are temporary hands in some of the Government Presses, but they are, to all intents and purposes, in permanent employment. They are not day labourers dismissed at a moment's notice.

Mr. N. M. Joshi: Well, Sir, I have yet to know that there is a great deal of security for railway men/who are Government employees; I have yet to know that there is enough security for the people employed by Government in their printing presses; I have yet to know that there is sufficient security for people employed by Government in their Ordnance and Ammunition Factories. At least I do not know of that security at all. I am prepared to admit that their condition is slightly better than that of workers employed in private industries. Sir, I should like the Government of India to pass some legislation by which some kind of benefit will be given to the unemployed. Let them make a scheme for, what I may call, the discharge allowances. If any factory discharges its employees they should be entitled to get some allowances for the number of years which they have put in. As a matter of fact, the Royal Commission itself had made a recommendation that where workers were unemployed on account of schemes of rationalisation, which the employers may undertake and have undertaken, there should be some schemes for providing for benefits. The Government of India now can certainly legislate and compel the employers to do that. I do not know why some beginning cannot be made at all. I can understand that no national scheme can be established immediately. I, therefore, hope that this House will accept the amendment which I have placed before them.

Sir, before I close, I should like this House to realise the importance of this problem. The number of people who are unemployed in organised industries may be small, from one point of view considering the whole population, but it is large, if we place sufficient value upon human life. I have yet to find a standard by which we can measure the value of human life in terms of money. I would, therefore, suggest to the House that although the number of people who may be unemployed in organised industries may appear small to us, it will be wrong for us to try to measure their value in terms of money or in terms of any other standard. The human life is of great value to the country and specially the skill of the

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workers is a very important kind of capital. Industries require capital in the form of money but they also require as capital the skill and willingness of the workers themselves. I would, therefore, suggest to the House that if we allow unemployment to exist and remain in this country the workers who are unemployed will lose their skill. And not only will they lose their skill but gradually their whole moral spirit will be sapped and the country will lose a very valuable asset. I would, therefore, like the House to accept my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That for the words 'that he do not ratify the Draft Convention, nor accept the Recommendation' the following be substituted:

'that such steps, legislative and otherwise, may be taken for the relief of unemployment as would lead to the ratification of the Draft Convention and the acceptance of the Recommendation as soon as practicable.'"

Mr. V. V. Giri: Sir, I rise to support the amendment moved by my Honourable friend, Mr. Joshi. The original Convention on unemployment was the outcome of the Treaty of Versailles which initiated the proposition that unless humane conditions of labour existed in every country there would be no peace, harmony or contentment in the world. Therefore, that Convention recognised the necessity for prevention of unemployment. As a member of the League of Nations the Government of India ought to have followed and ought to follow the guiding principles set up by that Convention. It may be noted that the original Washington Convention of the year 1919, was ratified by the Government of India as a member of the League. That Convention required the High Contracting Parties that were parties to that Convention to keep information, statistical or otherwise, with respect to the figures of unemployment; and, further, that Convention required the Governments to report, from time to time, what they have done to combat unemployment, what they have done to give relief to the unemployed. On the other hand, it further required the Governments that were parties to that Convention to set up free employment agencies by the central authorities, having committees of employers and workers, to report from time to time how those agencies are working. Sir, I beg to submit that if the Government of India had implemented the spirit of that Convention to which they were parties, we would have been today in a position to have figures relating to unemployment, and today this Government would have been in a position to implement the present Convention with respect to unemployment insurance. However, I hope, Government will consider that it is not too late to mend and will immediately follow up the unemployment Convention originally agreed upon in the year 1919, at Washington. The present Convention before the House is that it is the primary duty of any civilised State to see that every able-bodied worker who can be employed is employed. But, unfortunately, in this country, the right to live has not been conceded. It is curious that when the right, if I may say so, to commit suicide is punishable by the law of the land, the Government of this country does not concede to every one the right to live by conceding the right to work. I submit the right to live is the fundamental right which is inherent in any constitution worth the name and a constitution is not worth the paper on which it is written if this right is not guaranteed.

Sir, the House deliberated on this Resolution in the year 1926, on the floor of this House, when a Resolution was brought on the question of an employment. In the year 1919, this Government ratified the Convention on unemployment. In the year 1934, a Resolution brought forward by my Honourable friend, Mr. Joshi, was discussed at great length. The Department of Industries and Labour, of which my Honourable friend, Sir Frank Noyce, is the Member in charge, has conceived thrice and brought forth nothing. The fourth time they come to this House to place before this House a Resolution that Government are not prepared to ratify a Convention of this very modest character. We, on this side, support Mr. Joshi's amendment, which is of a very moderate character, for this reason that we do not want the Government of India immediately to ratify the Convention, but we request the Government to take immediate and genuine step here and now and continue to take such steps till the unemployment problem is solved. That is the position; and if the Government are not prepared even to accept that position, we do not know really where we are. If there is determination, if there is the human touch on the part of the Government of India, certainly this Convention can be ratified at an early date. The object of this Convention may be achieved by the following steps, and I, in my own humble way, with the little knowledge and experience that I have with reference to some of the labour problems in this country, would put before the House some suggestions.

So far as the Convention is concerned, it does not relate to agricultural workers and so there is no use of talking a great deal about that, and I would like to assure my Honourable friend, Dr. Ziauddin Ahmad, here, that we on this side of the House are not only as much interested in agricultural workers, but far more interested in agricultural workers than even in industrial workers, because agricultural workers form the bulk of the population of this country, and, therefore, unless the condition of the agricultural workers improves, there is no hope of salvation for this country.

This Resolution will not allow us to discuss as to how the unemployment or under-employment problem of the agricultural workers can be solved, otherwise, I can assure you that I am in a position to give detailed programme as to how agricultural workers also can be provided and relieved of unemployment. I would, therefore, submit in the first instance that the State as the guardian of the workers must create, not merely temporary works to relieve unemployment, but it must be in a position to have permanent works so that day in and day out anybody who is unemployed can have a place in such works. I would like to quote with your permission a passage from the Convocation Address, delivered by a Member of the Executive Council of Madras, under the presidency of His Excellency the Governor of Madras, at Waltair, a month or two ago. He has stated:

"The extent of British India excluding Indian States is 669,345,000 acres. Of this we find that 146,810,000 acres or 22 per cent. cannot be cultivated. An extent of 87,962,000 or 13.2 per cent. of the total is occupied by forests. The remaining 434,573,000 acres or 65 per cent. is the area available for cultivation. Of this 49,618,000 acres are left fallow and 154,017,000 acres or 23 per cent. are capable of being cultivated but are not taken up or are being abandoned. The actual area under cultivation is 228,164,000 acres, i.e., 34 per cent. of the total. Even if 53 million acres, out of this, is left out as fallow and pasture land for cattle and is not economically productive, there will still be 150 million acres for raising crop. This would represent an area of 229,900 square miles capable of supporting a population of 55,721,750. If these lands are brought under cultivation, not only would the problem of food supply be solved but also to a large extent, the problem of unemployment."

P.T.

[Mr. V. V. Giri.]

Of course this cannot all be relevant for this reason, that we are not discussing the unemployment question of all the workers in this country. But when my Honourable friends on the other side say that it is impossible to lay out a programme, I can say that not only 40 millions of unemployed or under-employed people in India can be relieved, but 55 million people can be relieved of unemployment or under-employment, if only Government take the necessary measures.

Sir M. Visweswarayya, you may remember, has recently written a book called "Planned Economy", in which he gave a ten-year plan and he showed how the unemployment problem can be solved if only the Central Government take courage in their hands and lay down at least two crores of rupees a year for the next ten years; and he showed by facts and figures how the whole of the unemployment problem can be solved. I wonder why the Government of India could not think in those terms. Unless, as I said, there is the human touch and there is a feeling that we sitting in bungalows cannot understand the difficulties of the poor people who walk in the streets and starve for want of food, unless there is that real and genuine desire to relieve the sufferings of the poor people, we really cannot do much to relieve unemployment.

Mr. Lloyd George recently has been writing a good deal on this question of unemployment, and you will remember, that he has stated that instead of paying unemployment doles, if money can be invested in land and settlement of the land is made, it would be more productive and would provide a permanent remedy and solve the unemployment problem in his country. Just at the present time in the United States the greatest efforts are being made to relieve workers of unemployment. During the last two or three years you may know that the government were able to take into employment at least five to six million people and they have been adopting measures of a permanent character by which the whole unemployment problem will be solved for all time to come. I may be permitted here to read one or two passages from the *Monthly Labour Review* of the United States Bureau of Labour Statistics (February, 1934)—pages 245, 246 and 251: it says:

RECENT DEVELOPMENTS IN SUBSISTENCE-HOMESTEADS MOVEMENT.

A long-range program under which groups of industrial workers and farmers are to be relieved of complete dependence upon either factory work or agriculture is being worked out by the Subsistence Homesteads Division of the United States Department of the Interior through a series of demonstration projects. One phase of the program is to assist in the redistribution of surplus populations, groups left stranded by the shutdown or permanent closing of the industries in which they earned their livelihood, and populations dependent on part-time work. A second phase includes the transfer of farmers marooned on eroded and worn-out lands to good land.

To do this it is forming new communities of garden homes which will afford a source of food supply as well as shelter. For the older worker who has small chance of industrial rehabilitation such homesteads offer an opportunity to become self-sustaining. For the younger worker, a garden home, acquired during his active years in industry, offers the prospect of a place of retirement when the period of maximum earning power has passed.

The shorter workday with the resultant increase in leisure hours, the increase of technological unemployment, cyclical unemployment, seasonally of employment, the move towards decentralization of industry, are all factors which it is believed make desirable some such movements as that toward subsistence gardening.

In setting up the demonstration projects, "problem areas" are selected, on the basis of local need, suitability and value for demonstration purposes, and presence of various factors essential to the success of the plan.

The projects are to be, in general, of five major types:

- (1) Workers' garden homesteads near small industrial centres in which small industries are located.
- (2) Workers' garden homesteads near large industrial centres usually of heavy industries not likely to decentralize.
- (3) Projects for rehabilitations of 'stranded' industrial population groups, particularly coal miners.
- (4) Projects for reorganization of disorganized rural communities, and for elimination of rural slums on lands submarginal for agriculture.
- (5) Movement of farm population from submarginal reclamation projects.

In all cases it is expected that part of the family's subsistence will be obtained from the crops, poultry, etc., raised on the homestead plot. All of these products will be for use only, and none will be sold. There will therefore be no increase in commercial farm products and no competition with local farmers producing for the market."

Why I read these two quotations—one from the speech of the Member of the Executive Council of the Madras Government and the other from the United States Department papers—is to show that where there is a will there is certainly a way, and if the Government desire to put up propositions of a practical character, they can do so.

I quite agree with my friend, Mr. Joshi, that we need not take up the whole question at one time, we need not take up the whole question of solving the unemployment problem of the 40 millions on a single day. We can first take up the problem of solving unemployment of the industrial workers. At the present moment, it is estimated that the industrial workers in this country are five millions. I quote from the Lothian Committee's Report which says:

"While the non-agricultural wage-earning population of India has been estimated at as large a figure as 25,000,000, the number of persons engaged in organized industrial labour alone appears on the best opinion, we can form, to approach five millions."

I should like to submit, Sir, that it is the duty of the Government, in the first instance, to provide for unemployment, but I can assure the House this much that if you educate the workers, if you take steps to combat unemployment, the economic position of the workers will be improved. Even if you take only these five million workers in industrial areas and start a *Pisa Fund*, to be subscribed every month equally by the Government, by the employers and by the workers, it will itself bring in at least two million rupees a year, and certainly you can start with it as a basis for unemployment relief. Sir, I can assure this Honourable House that the workers are not so ignorant. If they understand that they will be able to solve the unemployment problem of the country, they will surely make a beginning, but for that there must be the active support of the Government of the country as well as of the employers. I would like to give an example. Another way in which you can solve the unemployment problem with respect to some of the industries with which I am intimately connected is by short time employment or by a system of leave by rotation. If only Government had adopted,

[Mr. V. V. Giri.]

in a reasonable manner. after discussing with organizations of employers and employees, some of these methods, much of the retrenchment on our Railways which now exists,—I believe, there are about 47,000 workers unemployed on the Railways alone,—could have been avoided, and if supposing there was a plan for relieving unemployment, this problem could have been solved. Government did not take prompt steps to organize relief, but if they had taken steps from the year when they had ratified the unemployment Convention of 1919,

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Mr. V. V. Giri: Can I have two minutes more?

Mr. President (The Honourable Sir Abdur Rahim): The Chair would like to adjourn the House at a quarter to five. The Honourable Member may have two minutes more.

Mr. V. V. Giri: I would only like to quote a passage, before concluding my observations, containing the views of Pandit Jawaharlal Nehru, who is one of the most honoured patriots in this country, who has suffered and is still suffering for the cause of the poor and oppressed people (Cheers from the Congress Party Benches), and that passage is quite relevant to this question. In his article in the book entitled "Whither India", he writes thus:

"But whether socialism or communism is the right answer or some other one, one thing is certain—that the answer must be in terms of economics and not merely politics. For India and the world are oppressed by economic problems and there is no escaping them; so long as the fullest economic freedom does not come, there can be no freedom, whatever the political structure may be. Economic freedom must of course include political freedom. That is the reality today; all else is myth and delusion."

I submit, Sir, that if the Government is prepared to co-operate with those who represent the workers, with those who represent the people of the country and begin to discuss with them practical problems, they will certainly be able to come to proper and satisfactory conclusions, and, I am sure, that if only the Government have the will, they can solve not only the unemployment problem to which this Convention relates, but also the unemployment problem as a whole in this country. (Cheers from the Congress Party Benches.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 14th February, 1935.

LEGISLATIVE ASSEMBLY.

Thursday, 14th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

PERSONS DETAINED IN CONNECTION WITH THE TERRORIST MOVEMENT IN BENGAL.

222. *Mr. S. Satyamurti: Will Government be pleased to state the following in connection with the terrorist movement in Bengal since April 1930 up to date?

- (i) number of persons detained under Regulation III of 1818;
- (ii) number of persons interned under the various Ordinances, Criminal Law Amendment Act, and the like;
- (iii) number of persons externed under the same Ordinances, etc.; and
- (iv) number of persons detained in jails and detention camps, respectively.

The Honourable Sir Henry Craik: (i) The number of prisoners detained since April, 1930, under Regulation III of 1818 in connection with the terrorist movement in Bengal is 21, of whom two have been released and one has died.

(ii) to (iv). The information in my possession under these three heads relates to persons now detained or externed. The figures are as follows:

- (ii) 1,653.
- (iii) 48.
- (iv) 179 in jails in Bengal, 974 in detention camps in Bengal and 500 in detention camps or jails outside Bengal.

Mr. S. Satyamurti: May I know when these cases were last reviewed by the Government of India?

The Honourable Sir Henry Craik: The cases of persons detained under Regulation III of 1818 are reviewed by the Government of India once in every six months, at the end of June and at the end of December in each year.

Mr. S. Satyamurti: What is the nature of the review?

The Honourable Sir Henry Craik: The review is directed to form an opinion as to whether it is in the public interest to release the people detained.

Mr. S. Satyamurti: Are there any Judges on this Committee which reviews the cases?

The Honourable Sir Henry Craik: No, Sir. The review is carried out by the Government of India.

Mr. S. Satyamurti: Is any opportunity given to these people to make representations to those who review their cases?

The Honourable Sir Henry Craik: No, I do not think they have any opportunity on the occasion of these half yearly reviews.

Mr. S. Satyamurti: Will Government consider the desirability of giving them such opportunities?

The Honourable Sir Henry Craik: If any detenu chooses to put in an application, it will certainly be taken into consideration.

Mr. M. Ananthasayanam Ayyangar: In view of the fact that the terrorist movement has died out

Mr. President (The Honourable Sir Abdur Rahim): Mr. Akhil Chandra Datta.

Mr. Akhil Chandra Datta: May I know if it is a fact that terrorist crimes, so far as Bengal is concerned, has been steadily decreasing since 1932 and that during the last ten months there was not a single terrorist crime in Bengal?

The Honourable Sir Henry Craik: It is correct that the terrorist outrages since 1932 show a substantial decrease.

Mr. Akhil Chandra Datta: In view of that improvement, will Government consider the desirability of revising their policy with regard to these people?

The Honourable Sir Henry Craik: That is a point that is constantly in the mind of the Government.

Munshi Iswar Saran: How are the detenus to put in representations until and unless they know the dates when the review of their cases will take place?

The Honourable Sir Henry Craik: The Honourable Member should study the Regulation. If he does, he will see that the cases are bound to be reviewed once in every six months. They constantly do submit representations.

STATE PRISONERS AND DETENUS IN JAILS AND DETENTION CAMPS.

223. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state the present number of:

- (i) State Prisoners under Regulation III of 1818; and
- (ii) detenus under different Ordinances and Acts detained in jails and detention camps?

(b) Have Government under contemplation the concentration of all the Bengal State Prisoners in one camp or jail?

The Honourable Sir Henry Craik: (a) (i) 72, of whom 40 are in jail.

(ii) 1,661 excluding Burma in respect of which province figures are not available.

(b) No.

Mr. S. Satyamurti: May I know the reasons why Government do not concentrate all these Bengal State Prisoners in one camp or jail?

The Honourable Sir Henry Craik: Partly because it is not desirable, and partly because there is no camp or jail big enough to take them all.

Mr. S. Satyamurti: May I know why it is not considered desirable?

The Honourable Sir Henry Craik: Because the Government consider it desirable to separate the worst cases from the less bad cases.

Mr. S. Satyamurti: May I know if it is a question of money—why the Government do not concentrate them in one place?

The Honourable Sir Henry Craik: It would certainly cost a great deal to construct a camp big enough to take them all.

Mr. S. Satyamurti: Have Government considered the hardship to the relatives of these prisoners, who may like to visit them, if they are allowed to, if these prisoners are scattered all over India?

The Honourable Sir Henry Craik: It is hardly correct to say that they are scattered all over India. There is only one camp jail outside Bengal, the one at Deoli.

Mr. T. S. Avinashilingam Chettiar: Are not some Bengalis in Madras jails?

The Honourable Sir Henry Craik: I think there are one or two State Prisoners, that is prisoners confined under Regulation III of 1818 in Madras, but I cannot say without notice.

Mr. T. S. Avinashilingam Chettiar: Are not some in the Punjab jails?
(No answer.)

Dr. T. S. S. Rajan: May I know why some are kept in jails and others in camps?

The Honourable Sir Henry Craik: I gave the figures in answer to the last question. 179 in jails in Bengal, 974 in detention camps in Bengal and 500 in jails outside Bengal. Nearly all are in the Deoli jail. There are three in the Punjab jails.

Dr. T. S. S. Rajan: My question was not with regard to figures. I wanted to know the reasons why a certain number are kept in jail and a certain number in camps. Why is such a distinction made?

The Honourable Sir Henry Craik: I am afraid I must have notice of that question.

REVOLUTIONARY PERSONS CONVICTED IN PROVINCES.

224. ***Mr. S. Satyamurti:** (a) Will Government be pleased to state, province by province the number and the names of the revolutionary prisoners, convicted before 1920, who have not yet been released?

(b) In which cases were they convicted?

(c) What are their respective unfinished terms?

(d) Do Government propose to release them soon?

(e) What is the number of revolutionary persons convicted during the period 1920 to April 1930?

The Honourable Sir Henry Craik: I am collecting the information and will lay a statement on the table in due course.

Mr. S. Satyamurti: With regard to clause (d) of the question, may I know whether Government propose to release them soon?

The Honourable Sir Henry Craik: I cannot give any undertaking to that effect till I have seen the figures.

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

225. ***Dr. T. S. S. Rajan:** (a) Has the attention of Government been drawn to the circular, dated the 23rd November, 1934 (published in the *Indian Express*, dated the 8th January, 1935), issued by the Home Department—Political—regarding the resolutions adopted by the Indian National Congress recently held at Bombay?

(b) Is it a fact that Government still believe that the rural reconstruction work undertaken by Mahatma Gandhi is a preparation for civil disobedience movement?

(c) Will Government be pleased to state whether the discretionary grants granted to the villages are in the nature of agency remuneration for propaganda against the village reconstruction work of Mahatma Gandhi or are to be spent in providing sanitary facilities or some such social service schemes?

(d) Will Government be in a position to give an idea of the sums which are to be spent under this head by the various Local Governments?

The Honourable Sir Henry Craik: (a) and (b). I would invite the attention of the Honourable Member to my speech on the adjournment motion on the 21st January.

(c) The purpose of the discretionary grants, if any, which Local Governments may place at the disposal of District Officers is stated in the circular itself, namely, that they are to be spent in small amounts on the urgent necessities of the villagers.

(d) No, Sir. The required information is not available.

Dr. T. S. S. Rajan: Are not discretionary grants given to District Magistrates to help vagrant foreigners with passages?

The Honourable Sir Henry Craik: Yes, I think they are, but those are for different purposes.

Dr. T. S. S. Rajan: Is that the sum proposed to be used for this village reconstruction work?

The Honourable Sir Henry Craik: No. The grants to which the Honourable Member refers are intended for entirely different purposes.

Dr. T. S. S. Rajan: These discretionary grants are sums left with the Magistrates to be used at their discretion. Does this amount mentioned in the circular as being with the District Magistrates represent the amount that is expected to be or proposed to be spent on village reconstruction work?

The Honourable Sir Henry Craik: No, Sir. This has nothing to do with village reconstruction work. The idea was to give district officers sums of money which they might make available for meeting the immediate necessities of any village which they happened to visit on tour.

Dr. T. S. S. Rajan: Do they propose to spend that amount on the village reconstruction work or on the payment of bonus to officers engaged in finding out the activities of these village reconstruction workers?

The Honourable Sir Henry Craik: No, Sir. In the Honourable Member's mind two distinct subjects seems to be entirely confused.

Mr. S. Satyamurti: With reference to clause (b) of the question may I have a categorical answer whether Government still believe that the rural reconstruction work undertaken by Mahatma Gandhi is a preparation for a Civil Disobedience Movement?

The Honourable Sir Henry Craik: I have nothing to add to what I said in my speech on the adjournment motion on this subject in reply to numerous questions.

Mr. S. Satyamurti: Have the subsequent statements and the publication of the constitution of the Association and the speeches of Mahatma Gandhi made no impression on the Honourable the Home Member?

The Honourable Sir Henry Craik: I have already answered repeated questions on that subject.

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

226. ***Dr. T. S. S. Rajan:** (a) Has the attention of Government been drawn to the following extract from the circular, dated the 23rd November, 1934 (published in the *Indian Express*, dated the 8th January, 1935),

issued by the Home Department—Political—regarding the resolution adopted by the Indian National Congress recently held at Bombay:

"The Government of India have no reason to believe that Local Governments or their officers will turn a blind eye to any such infringements of the law of the land or will refrain from instituting prosecutions or taking preventive action in all appropriate cases. If such action is necessary, the Government of India will accord their full support."

(b) Has the attention of Government been drawn to the extract in the circular which says?

"It is clear that Mr. Gandhi has once again shown himself to be a very astute political leader: his mental and physical vigour is reported to be unabated and the session has resulted in yet another personal triumph, for he has succeeded in keeping the divergent elements, if not in one organisation, at least under one leadership."

(c) If so, are Government aware of the fact that Mahatma Gandhi has ceased to be an ordinary four-anna member of the Congress since its last session at Bombay and has since scrupulously declined to be drawn in even for a discussion from friends and foes alike?

The Honourable Sir Henry Craik: I would refer the Honourable Member to my speech on the adjournment motion on the 21st January last which deals with the points raised.

Mr. Akhil Chandra Datta: May I know if there have been any such infringements of the law as are contemplated in this circular?

The Honourable Sir Henry Craik: I have not heard of it.

Mr. Akhil Chandra Datta: Has there been any preventive action taken as contemplated in this circular?

The Honourable Sir Henry Craik: Not that I am aware of.

Mr. Akhil Chandra Datta: With regard to what is said in this extract referred to in part (b) of the question, namely, that "his mental and physical vigour is reported to be unabated", was there any inquiry made, or was there any report asked for as to whether or not Mahatma Gandhi's mental and physical vigour had abated?

The Honourable Sir Henry Craik: I think, Sir, that that statement was found on reports from people who had attended the Bombay Congress. I trust it is still true.

Mr. Akhil Chandra Datta: Why was this statement made in the official report? Was any such report asked for?

The Honourable Sir Henry Craik: The report was sent in the ordinary course.

Mr. Akhil Chandra Datta: Were Government hoping that the physical and mental vigour of Mahatma Gandhi had probably abated?

The Honourable Sir Henry Craik: The Honourable Member has no right to draw any such inference; it is wholly unfounded.

Mr. Akhil Chandra Datta: Then, it is said, "and the session has resulted in yet another personal triumph". Now, was there any inquiry made as to whether there was any breakdown or deadlock in the Congress constitution as is here depicted? Was that report the result of an inquiry?

The Honourable Sir Henry Craik: The conclusions were based on reports of the whole proceedings of the Bombay Congress. So far as I know, they were perfectly correct conclusions.

Dr. T. S. S. Rajan: Sir, clause (c) has not been answered. I want an answer to that.

The Honourable Sir Henry Craik: I am aware that Mahatma Gandhi has resigned from the Congress. I am not aware that he has "scrupulously declined to be drawn even into a discussion with friends and foes alike", whatever that may mean.

Mr. S. Satyamurti: Have Government got any report to the contrary? Have Government called for or got any report to the contrary?

The Honourable Sir Henry Craik: I understand, Sir, that, during his recent visit to Delhi, he was in constant association with various members of the Congress.

Mr. S. Satyamurti: Does the Honourable the Home Member expect that "Mahatma Gandhi's scrupulously declining to be drawn even into a discussion with friends and foes alike" means that he must be boycotted socially?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of inference.

Mr. S. Satyamurti: The Honourable the Home Member says, Sir, that the Government have information that he has not scrupulously declined to be drawn even into a discussion with friends and foes alike. I am asking, what is the kind of information on which the Honourable the Home Member is basing that answer.

The Honourable Sir Henry Craik: "What is the kind of information?"

Mr. S. Satyamurti: Yes.

The Honourable Sir Henry Craik: That would be telling secrets. (Laughter.)

Mr. S. Satyamurti: May I know if they are C. I. D. reports?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not want to disclose the information.

Dr. T. S. S. Rajan: Is it the idea of Government that Mahatma Gandhi ought not even to have a private talk with any Member of this Assembly?

The Honourable Sir Henry Craik: That is another completely unwarranted inference that the Honourable Member has drawn.

Mr. President (The Honourable Sir Abdur Rahim): Next question. Dr. Rajan. I think this question has been sufficiently debated.

CONFIDENTIAL CIRCULAR ISSUED BY THE HOME DEPARTMENT OF THE GOVERNMENT OF INDIA ON THE DECISIONS OF THE BOMBAY CONGRESS.

227. ***Dr. T. S. S. Rajan:** (a) Has the attention of Government been drawn to the following passage in the circular dated the 23rd November, 1934 (published in the *Indian Express*, dated the 8th January, 1935) issued by the Home Department—Political, regarding the resolutions adopted by the Indian National Congress recently held at Bombay:

"Financial considerations have, it is recognised, made necessary economy over grants for travelling allowances, but it is to be hoped that local governments will see that funds are made available to facilitate *bona fide* touring off the beaten track."

(b) Is it the intention of Government to allocate special sums over and above the discretionary grants ear-marked for village propaganda against the Congress for the touring of their officers for this purpose?

(c) If so, have Government made any special provision for the purpose in the next budget?

(d) If the answer to part (c) be in the affirmative, will Government please state what will be the approximate amount that is proposed to be spent?

The Honourable Sir Henry Craik: (a) Yes.

(b), (c) and (d). The Government of India have always felt that the general administration of a district is improved, if district and other officers make extensive tours and thus become easily accessible to villagers in all parts of the district and it was in view of this that they put forward the suggestion to which the question refers. The question of providing additional allotments to District Officers and others for touring is one for the decision of Local Governments and I have no information about the provision proposed to be made by them in their budgets for this purpose.

Dr. T. S. S. Rajan: Is not the action proposed the result of the circular that was sent out by the Central Government?

The Honourable Sir Henry Craik: I have informed the Honourable Member that I have no information as to the provision proposed to be made by Local Governments in their Budgets for this purpose.

Mr. S. Satyamurti: Apart from this circular, did Government give out any previous hint circularising Local Governments and impressing on them the need for district officers doing intensive touring in the districts?

The Honourable Sir Henry Craik: I think that that need has been constantly impressed on district officers.

Mr. S. Satyamurti: May I know when the last circular was issued, apart from this circular?

The Honourable Sir Henry Craik: I must have notice.

Mr. S. Satyamurti: May I ask if this was not the first time when the Government, in order to counter the activities of Mahatma Gandhi, suddenly told district officers to tour the districts?

The Honourable Sir Henry Craik: As I have said, it has always been the policy of Government that district officers should tour as much as possible.

Mr. S. Satyamurti: May I know if any such ideas were expressed to the knowledge of the Honourable the Home Member in any circular to Local Governments, before this last circular?

The Honourable Sir Henry Craik: As I have already said, Sir, I must have notice of that.

Munshi Iswar Saran: What allotment has been made for this purpose in the territories directly under the management of the Government of India?

The Honourable Sir Henry Craik: There, again, I must have notice.

Mr. President (The Honourable Sir Abdur Rahim): Next question. Mr. Nageswara Rao.

Mr. T. S. Avinashilingam Chettiar: I should like to put the question on behalf of the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the written authority of Mr. Nageswara Rao to put his question?

Mr. T. S. Avinashilingam Chettiar: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then, it must stand over until the Chair decides, whether written authority is required or not.

228.

INSTRUCTIONS TO GOVERNMENT SERVANTS REGARDING THEIR GENERAL BEHAVIOUR TO THE PUBLIC AND MEMBERS OF THE INDIAN LEGISLATURE.

229. ***Mr. Ram Narayan Singh:** Will Government be pleased to state whether they have ever issued, and do sometimes issue to the Government servants in this country any instructions with regard to their general behaviour to the public in general and to the members of the various Indian Legislatures in particular, and if so, what?

The Honourable Sir Henry Craik: There are no standing instructions of the Government of India on the subject. I understand that some Local Governments have issued instructions on the matter of their official and social relations with Indians for the guidance of young officers on their first arrival in India. These are the only instructions of the kind referred to by the Honourable Member of which I am aware.

†This question will be answered on the 20th February 1935.

DELAY IN THE PUBLICATION OF MR. MENON'S REPORT ABOUT THE GRIEVANCES OF INDIANS IN ZANZIBAR.

230. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state their reasons for not yet publishing the report of Mr. K. P. S. Menon, I.C.S., on the Zanzibar decrees adversely affecting the interests of Indians there?

(b) Are Government prepared to publish the said report mentioned in part (a) above at once, and if not, why not?

Mr. G. S. Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 6th February to part (a) of Dr. Deshmukh's question No. 71.

SENDING OF THE INDIAN PRISONERS TO THE ANDAMANS.

231. *Mr. Ram Narayan Singh: Is it or is it not a fact that the Government had years ago stopped sending of the Indian prisoners to the Andaman Islands? If the reply be in the affirmative, what are the reasons for starting it again?

The Honourable Sir Henry Craik: No. I would refer the Honourable Member to the reply given to part (b) of Mr. S. C. Mitra's question No. 122, dated the 29th August, 1933.

INDIAN POLITICAL PRISONERS SENT TO THE ANDAMANS.

232. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state the number of Indian political prisoners, province by province, who have been sent to the Andaman Islands?

(b) Do the prisoners mentioned in part (a) above get any newspapers and if so, which?

The Honourable Sir Henry Craik: (a) If by "Political Prisoners" the Honourable Member means prisoners convicted of crimes connected with terrorism, the total number of such prisoners sent to the Andamans is 237; 208 from Bengal, 13 from Bihar and Orissa, seven from the Punjab, six from Madras and three from Delhi.

(b) The prisoners are supplied with the *Illustrated Times of India*, the *Statesman* (weekly edition), the *Sanjibani* and the *Bangabasi*.

Mr. President (The Honourable Sir Abdur Rahim): There are a number of questions standing in the name of Mr. Fuzlul Huq. The Chair understands that he has authorised Mr. Anwar-ul-Azim to put those questions on his behalf. Mr. Anwar-ul-Azim. (Mr. Anwar-ul-Azim was absent.)

Mr. Akhil Chandra Datta: May I ask your permission, Sir, to ask question No. 242?

Mr. President (The Honourable Sir Abdur Rahim): No, but if the Honourable Member likes, the Chair can allow it to stand over.

Mr. Akhil Chandra Datta: Thank you, Sir.

(The question was allowed to stand over.)

MUSLIM CLERKS IN THE CENTRAL STATIONERY OFFICE.

233. *Mr. A. K. Fuzlul Huq: (a) Is it a fact that there is not a single Muslim among 21 Upper Division clerks and ten junior clerks in the Central Stationery Office?

(b) If the answer to part (a) be in the affirmative, do Government propose to fill up all the future vacancies in those two cadres by Muslims till the required percentage is reached?

The Honourable Sir Frank Noyce: (a) I assume that by "Upper Division Clerks" the Honourable Member means Assistants. The numbers in the two categories in the Stationery Office, excluding the Stationery Stores, are:

Assistants	18
Junior clerks	3

None of these is a Muslim.

(b) No. The policy of communal representation is not followed in making appointments in each grade and the question of the representation of a particular community in a grade does not arise.

RECRUITMENT OF TWO NON-MUSLIMS IN THE CENTRAL STATIONERY OFFICE.

234. *Mr. A. K. Fuzlul Huq: Is it a fact that two posts in the Upper Division of the Central Stationery office, which fell vacant on the resignation of two Muslims who were directly recruited, were filled in by Non-Muslims? If so, why?

The Honourable Sir Frank Noyce: Yes. The posts were filled by departmental promotion which is not made with reference to communal considerations.

APPOINTMENT OF MUSLIMS IN THE STORE EXAMINER'S BRANCH AND IN THE ESTABLISHMENT SECTION OF THE CENTRAL STATIONERY OFFICE.

235. *Mr. A. K. Fuzlul Huq: (a) Is it a fact that there are no Muslim clerks in the establishment section of the Central Stationery Office except one, who is allotted the function of recording letters, etc.?

(b) Are Government prepared to place sufficient number of Muslims in the Store Examiner's Branch and in the Establishment Section dealing with appointments, etc., with a view to safeguard the Muslim interests so far as appointments are concerned?

The Honourable Sir Frank Noyce: (a) There is no Muslim in the establishment section of the Central Stationery Office.

(b) No. Recruitment to the Central Stationery Office generally is made according to the orders of Government regarding communal representation and in making appointments each branch of the office is not treated as a separate unit.

FEE REALISED FROM CANDIDATES WHO APPEARED AT THE COMPETITIVE EXAMINATION HELD IN THE CENTRAL STATIONERY OFFICE.

236. *Mr. A. K. Fuzlul Huq: (a) Is it a fact that a sum of rupees four hundred (Rs. 400) was realised as fee from the candidates who appeared at the Competitive Examination held in the Central Stationery Office, Calcutta, in February 1931, and in subsequent intervals?

(b) If the answer to part (a) be in the affirmative will Government be pleased to state the head under which the amount was credited to Government?

The Honourable Sir Frank Noyce: (a) The sum of Rs. 84 was realised as fees from candidates who appeared at the competitive examination in February, 1931. No subsequent examination has been held.

(b) XXXIV—Stationery and Printing—Central.

WARNING TO AN EMPLOYEE OF THE CENTRAL STATIONERY OFFICE AVAILING HIMSELF OF CASUAL AND PRIVILEGE LEAVE.

237. *Mr. A. K. Fuzlul Huq: Is it a fact that if an employee of the Central Stationery Office avails himself of casual and privilege leave allowed by the rules, he is severely warned at the time of sanctioning the next increment for having done so?

The Honourable Sir Frank Noyce: No such practice is in force. I understand that leave taken is recorded on the increment sheet and that if a clerk takes leave very frequently his attention is called to the fact when the increment is sanctioned. I am issuing instructions that the practice should be discontinued, and that, in future, the officer granting leave should accept full responsibility for seeing that leave is not taken with undue frequency.

REFUSAL OF LEAVE TO BABU HARIHAR PATHAK, A CLERK IN THE CENTRAL STATIONERY OFFICE.

238. *Mr. A. K. Fuzlul Huq: Is it a fact that Babu Harihar Pathak, a clerk in the Central Stationery Office, was refused a week's leave although he wanted to see his wife on her death-bed? If not, will Government be pleased to state on what ground the leave which was admissible, was refused?

The Honourable Sir Frank Noyce: The clerk in question applied on the 2nd June for five days leave on average pay in continuation of two holidays. He was allowed to go to his village on the 2nd June and returned on the 5th June, but the leave asked for in continuation was not granted, and no application was made for further leave after his return. I am informed that the statement in the concluding part of the Honourable Member's question is not accurate, and, I am sure, that he will be glad to know that the lady, whom he describes as having been on her death-bed seven months ago, is now quite well.

SYSTEM OF PAYMENT OF CONTRACTORS' BILLS IN THE CENTRAL STATIONERY OFFICE.

239. *Mr. A. K. Fuzlul Huq: (a) Is it a fact that bills should accompany a *challan* bearing the signature of a responsible officer of the Central Stationery Office with the remark that the articles have been received in Store in good condition?

(b) Is it a fact that bills of contractors are passed for payment before the articles are actually received in the Stores? If so, why?

The Honourable Sir Frank Noyce: (a) Yes.

(b) I am informed that this is not the case.

PURCHASE OF RIBBONS AND NIBS BY THE CENTRAL STATIONERY OFFICE

240. *Mr. A. K. Fuzlul Huq: Is it a fact that ribbons and nibs were locally purchased in the Central Stationery office at a rate two to three times higher than that of original contract rate in the year 1932-33? If so, why?

The Honourable Sir Frank Noyce: No. The local purchases were of special articles for which there was no contract, and which consequently could not be purchased at the contract rates.

EXPENDITURE ON THE CONSTRUCTION OF GOVERNMENT BUILDINGS IN NEW DELHI.

241. *Mr. A. K. Fuzlul Huq: (a) Will Government be pleased to state the approximate estimate that was made of the cost of building a capital at Delhi, when the transfer of the capital from Calcutta was recommended?

(b) What has been the total expenditure, up to date, on the construction of buildings of all kinds consequent on the establishment of the capital at Delhi?

(c) What has been the cost of the buildings known as the Viceregal Lodge or Viceroy's House in New Delhi?

The Honourable Sir Frank Noyce: (a) Rs. 6 crores.

(b) The total expenditure of all kinds, debited to the Head 57—Initial expenditure on the New Capital at Delhi, will amount by the end of the current financial year to Rs. 15.34 crores roundly. This sum includes Rs. 8.13 crores roundly for works outlay on buildings.

(c) Rs. 1.82 crores roundly for works outlay, including expenditure up to the end of 1934-35.

†242*.

MEMBERS OF THE RAILWAY ADVISORY COMMITTEES.

243. *Mr. A. K. Fuzlul Huq: (a) Will Government be pleased to state the names of the members of the various Railway Advisory Committees as last constituted?

†This question will be answered on the 20th February 1935.

(b) Do any of these Advisory Committees include any representatives of the Muslim Chamber of Commerce, Calcutta?

(c) On what principles are nominations made to these Advisory Committees.

Mr. P. R. Rau: (a) The names are published in the time tables of the respective Railways. I am arranging to place in the Library of the House a copy of the time table of such Railways as have Advisory Committee.

(b) No.

(c) I would refer my Honourable friend to the reply given by the Honourable Mr. (now Sir John) Woodhead to parts 2 and 3 of the Honourable Babu Jagdish Chandra Banerjee's question No. 30 in the Council of State on the 11th February, 1931.

FINANCIAL ADMINISTRATION OF THE ALIGARH MUSLIM UNIVERSITY.

244. ***Mr. A. K. Fuzlul Huq:** (a) Has the attention of the Honourable Member in charge of Education been drawn to the remarks on the financial administration of the Aligarh Muslim University as pointed out in the audit report for the year ended 31st March, 1932, specially with reference to the remarks in the report regarding:

- (i) Monthly allowances paid to the Vice-Chancellor,
- (ii) Jubilee celebration collections,
- (iii) Donation from the late Nawab Obeidullah Khan of Bhopal,
- (iv) Vice-Chancellor's Fund, and
- (v) Accounts of the University?

If so, what steps have Government taken to ascertain if the remarks are well-founded, and to have the defects remedied?

(b) Is it a fact that Government on examination have found that under the existing law monthly allowances could not be paid to the Vice-Chancellor? If so, what steps have Government taken or propose to take to have the amount so paid restored to the University?

(c) Will Government be pleased to state the total amount so paid to the Vice-Chancellor since his appointment in February, 1929?

(d) What other allowances were paid to the Vice-Chancellor during his term and what is the amount thereof?

(e) Is it a fact that the Jubilee collections were raised for technical education? If so, will Government be pleased to state the present position of that fund?

(f) Will Government be pleased to state when was it that the late Nawab Obeidullah Khan of Bhopal made gift to the Aligarh University of shares in the Tata Company of the nominal value of one lakh?

(g) Has the University taken delivery of the said shares and realised the dividends thereof? If not, will Government be pleased to state what steps have been taken to take delivery of the shares and profits or dividends thereof?

(h) Is it a fact that the Vice-Chancellor's fund is a private fund, having no connection with the University as claimed by the Treasurer?

Mr. G. S. Bajpai: (a) Yes; the Government of India have asked the University to place the matter before its Standing Finance Committee for examination and report.

(b) Yes, the monthly allowances paid to the Vice-Chancellor in the past were *ultra vires*, and such allowances will not be permissible in future unless and until an appropriate statute has been framed and approved by the Governor General in Council. The point raised in the second part is one primarily for the consideration of the University.

(c) and (d). Attention of the Honourable Member is invited to paragraph 3 of the Auditors' Report on the accounts of the Aligarh Muslim University for the year 1931-32, which gives the amount of the monthly allowance and other concessions sanctioned for the Vice-Chancellor. A copy of the report and attached papers has been placed in the Library of the House. Government have no further information.

(e)—(h). Government have no information beyond what is contained in the publication referred to in the answer to parts (c) and (d) of the question.

APPOINTMENTS MADE IN THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA SECRETARIAT.

245. ***Mr. A. K. Fuzlul Huq:** (a) Will Government be pleased to state how many appointments have been made in the various Departments of the Secretariat of the Government of India since the transfer of the capital from Calcutta?

(b) How are the various Provinces represented in these appointments?

(c) How many of these appointments have gone to Bengali Muslims?

The Honourable Sir Henry Craik: I regret that the information is not readily available and cannot be collected without an amount of labour which would be wholly disproportionate to the results, especially in view of the reply which I gave on the 11th February, 1935, to starred question No. 125 asked by Mr. Muhammad Anwar-ul-Azim.

PAYMENT OF SUMS FOR ADVANCEMENT OF EDUCATION IN BENGAL.

246. ***Mr. A. K. Fuzlul Huq:** (a) Will Government be pleased to state whether on the occasion of the transfer of the capital from Calcutta, His Majesty the King Emperor made announcements that specific sums would be paid to Bengal in furtherance of schemes for the advancement of Education in the Province? If so, what sums were specified to be paid annually?

(b) Have these payments been made regularly? If not, how much has been paid and how much is overdue?

Mr. G. S. Bajpai: (a) At the time of the Delhi Darbar in 1911, His Majesty the King Emperor announced a recurring grant of Rs. 50 lakhs, for the promotion of truly popular education in India and, to this Royal boon, the Government of India added a further additional recurring grant

of Rs. 10 lakhs and a non-recurring grant of Rs. 65 lakhs. The share of the Government of Bengal of these grants was as follows:

	Rs.
Recurring	12,00,000
Non-recurring	28,00,000

(b) Yes, they were made regularly till 1921, when on the introduction of constitutional reforms, expenditure on education along with other objects falling within the category of Provincial subjects became a responsibility of the Local Government. The second part of the question does not arise.

BENGALI MUSLIMS APPOINTED IN THE SUPERIOR GRADE OF THE CUSTOMS DEPARTMENT.

247. *Mr. A. K. Fuzlul Huq: (a) Will Government be pleased to state how many appointments in the Superior Grade were made during the last five years in the various offices of the Customs Department?

(b) How many of these appointments were given to Bengali Muhammadans?

Mr. A. J. Raisman: The information is being collected and will be laid on the table of the House when ready.

BENGALI MUSLIMS APPOINTED IN THE SUPERIOR SERVICES IN THE VARIOUS DEPARTMENTS OF STATE RAILWAYS.

248. *Mr. A. K. Fuzlul Huq: (a) Will Government be pleased to state the percentage of Muslim appointments made in the superior services in the various departments of the State Railways?

(b) What is the percentage of Bengali Muslims in these appointments?

Mr. P. R. Rau: Particulars regarding the communities, to which recruits to the Superior Railway Services on State-managed Railways belong, are given in Chapter VI of Volume I of the annual reports by the Railway Board on Indian Railways. These do not, however, distinguish between their various provinces of origin. I may add that there was no recruitment at all to the Superior Services during 1933-34.

ACCEPTANCE OF FIDELITY BONDS OF APPROVED INSURANCE COMPANIES IN LIEU OF CASH SECURITIES FOR GOVERNMENT POSTS.

249. *Mr. A. K. Fuzlul Huq: Are Government aware that the Muslims are unable to offer themselves as candidates for Government posts requiring cash securities? If so, will Government be pleased to state if they are prepared to amend the law so as to accept fidelity bonds of approved insurance companies in lieu of cash securities?

The Honourable Sir Henry Craik: Government are not aware that Muslims suffer from any disability in this matter from which other communities are free. The second part of the question does not therefore arise.

REFUSAL OF A PASSPORT TO MR. CHATURBHUI OF MOOLJI SIKKA COMPANY, GONDIA, CENTRAL PROVINCES.

250. *Mr. Ghanshiam Singh Gupta: (a) Will Government be pleased to state if Mr. Chaturbhui Bhai of Moolji Sikka Company (Gondia, Central Provinces), applied for a passport to go abroad? If so, what were the countries where he wanted to go?

(b) Was he given the passport? If not, will Government please state the reasons for refusing the passport?

The Honourable Sir Henry Craik: (a) Yes, to visit South and East Africa, certain European countries, the United States of America, Canada, Japan and China.

(b) Passport facilities were refused to him by the Local Government in view of his past activities and since it was considered undesirable, in view of his record, to permit him to go abroad.

Mr. Ghanshiam Singh Gupta: May I ask, Sir, what kind of past activities are referred to?

The Honourable Sir Henry Craik: The communication received from the Local Government is marked secret, and I regret that I cannot disclose it.

Mr. Ghanshiam Singh Gupta: Was it in connection with the Civil Disobedience Movement in which he took part?

The Honourable Sir Henry Craik: Yes, it was due partly to the part that he took in the Civil Disobedience Movement, but there were other reasons.

Mr. T. S. Avinashilingam Chettiar: Is that one of the reasons?

The Honourable Sir Henry Craik: There are other reasons as well.

Mr. Ghanshiam Singh Gupta: May I know if the reasons were other than those that are styled as political?

The Honourable Sir Henry Craik: I am not prepared to disclose what the reasons were.

Mr. S. Satyamurti: Have Government got any policy in deciding the question of issuing or not issuing passports to Indians who want to travel abroad?

The Honourable Sir Henry Craik: Yes, Sir.

Mr. S. Satyamurti: What is that policy?

The Honourable Sir Henry Craik: That policy is confidential and cannot be disclosed.

ABSENCE OF FENCING ON THE BENGAL NAGPUR RAILWAY LINES IN THE CENTRAL PROVINCES.

251. *Mr. Ghanshiam Singh Gupta: (a) Are Government aware that there is no fencing on the Bengal Nagpur Railway lines in the Central Provinces?

(b) Will Government please state the number of cattle killed during the past five years in the Central Provinces owing to the lines being without fencing?

(c) Have Government taken any steps to see that the Railway lines are fenced? If so, what? If not, do Government propose to do so now?

Mr. P. R. Rau: (a) The statement is generally correct.

(b) It is regretted that the information is not available.

(c) I would refer the Honourable Member to the statement explaining views of Government on this matter which was laid on the table of the House on the 2nd September, 1929.

REPORT OF THE COMMITTEE APPOINTED TO ENQUIRE INTO THE COCOANUT INDUSTRY IN INDIA.

252. *Mr. Samuel Aaron: (a) Will Government be pleased to place on the table of this House a copy of the report of the Committee appointed to enquire into the economic conditions of the cocoanut industry and suggest remedial measures?

(b) Have Government considered its recommendations? If so, what do Government propose to do to protect this industry and the five millions of peasants employed in it from foreign competition?

Mr. G. S. Bajpai: (a) and (b). The Honourable Member is presumably referring to the enquiry made by a Sub-Committee of the Advisory Board of the Imperial Council of Agricultural Research which met from the 14th to the 16th January, 1935. The Sub-Committee's report has only recently been received. I regret that until it has been examined the question of publishing it cannot be considered.

Mr. Samuel Aaron: May I ask, Sir, if the Government has considered that report?

Mr. G. S. Bajpai: The Government are considering that report.

Mr. S. Satyamurti: What do Government propose to do in order to protect this industry, and the five millions of peasants employed in it from foreign competition?

Mr. G. S. Bajpai: The report, as I have explained to the House, reached the Government of India only at the end of January. We must have a little time to consider it, but we realise the importance of the matter, and we shall try our best to expedite the decision.

PROPOSAL TO IMPORT TILES FROM JAPAN INTO MALABAR.

253. *Mr. Samuel Aaron: (a) Are Government aware of the fact that Japanese manufacturers of tiles propose to import tiles from Japan into Malabar, the chief centre of Indian tile-manufacture, at 50 per cent. of the Indian prices?

(b) If so, do Government propose to consider the advisability of taking steps to stop this impending Japanese dumping?

(c) If not, do Government propose to ask their representative in Japan to report about the economic conditions of tile-manufacture in Japan?

The Honourable Sir Joseph Bhore: (a) No, Sir.

(b) and (c). Do not arise.

Mr. S. Satyamurti: Will Government make inquiries and find out if the allegation in (a) is correct?

The Honourable Sir Joseph Bhore: My Honourable friend is asking me to make inquiries as regards the intention of Japanese importers. How on earth am I to get information about the intention of Japanese importers?

Mr. S. Satyamurti: The word used is "propose". The question asks whether, as a matter of fact, any tiles from Japan are being imported at 50 per cent. of the Indian prices?

The Honourable Sir Joseph Bhore: That is not the question. The question is whether they propose to do something and I can get no information as to what they propose to do.

Prof. N. G. Ranga: May I ask, Sir, if the Government have their representative stationed in Japan?

The Honourable Sir Joseph Bhore: No, Sir; we have no representative stationed in Japan.

ADVERTISEMENT OF THE POSTS OF THE ENTOMOLOGIST AND PHYSICO-CHEMIST FOR THE LAC RESEARCH INSTITUTE.

254. *Mr. Ram Narayan Singh: (a) Is it a fact that the posts of the entomologist and the physico-chemist for the Lac Research Institute were not advertised in India but only in England in 1929 and 1930, respectively, when the present incumbents were recruited?

(b) Is it a fact that even when those posts were advertised only in England, a few Indians with longer research experience in English Universities applied for them but were not considered?

(c) Is it a fact that the Government of India sanctioned a further renewal of contract for three years from 1932 and 1933 to these men? Is it a fact that the Lac Cess Committee did not advertise in India for these posts to see if better qualified men were then available?

(d) Is it a fact that the Lac Cess Committee have again recommended a further contract for two years from 1935 and 1936 without advertising for these posts and without any report on their work either by the Director of the Institute or the Research Sub-Committee of the Lac Cess Committee?

(e) Is it a fact that the only argument brought forward in the Committee for extending these contracts was that otherwise the continuity of research would be lost?

(f) Is it not a fact that in many research appointments under the Government of India the newly appointed officers continue the work of their predecessors from where the previous incumbents left?

(g) Is it not a fact that when these Officers go on long leave the continuity of work is not lost?

(h) Is it not a fact that during the interval between the resignation of one Entomologist and the appointment of his successor, the Assistant Entomologist acted for a period of one and a half years and that his work was considered satisfactory?

(i) Is it a fact that more than one European member of the Lac Cess Committee expressed the fear that if the posts were advertised, the present incumbents might have no chance of being selected?

(j) Are Government prepared to refuse to sanction these appointments unless the Lac Cess Committee advertises for these posts in India and makes a selection of the best of the available candidates? If not, why not?

Mr. G. S. Bajpai: (a) Yes.

(b) Government have no information. The appointments were made by the Indian Lac Association for Research and not by the Government of India.

(c) Yes. Government accepted the recommendation of the Indian Lac Cess Committee.

(d) to (g) and (j). The Indian Lac Cess Committee has decided to review the research programme of the Lac Research Institute and consider what investigations are required in future, the staff necessary to carry them out, suitable scales of pay and the method of recruitment of such staff. Pending this investigation the Committee does not desire changes in the staff and has recommended that the contracts of three officers be renewed for a further period of two years. The recommendations are now under the consideration of Government.

(h) The Assistant Entomologist acted for nearly a year, at the end of which the Indian Lac Association for Research considered it necessary to make other arrangements.

(i) Government do not receive a *verbatim* record of the Committee's proceedings.

BIOCHEMICAL WORK DONE IN THE LAC RESEARCH INSTITUTE.

255. ***Mr. Ram Narayan Singh:** (a) Is it a fact that the biochemical work done in the Lac Research Institute is very little compared with the work on the manufacture of lac and its utilisation in industries, and consists mostly of a record of field observations?

(b) Have Government considered whether this work cannot be done by the biochemical assistants already trained in the Institute for the past ten years or so?

(c) Is it a fact that Government sanctioned the renewal of contract of the Biochemist for two years from December 1934? Did Government in sanctioning this, take into account the amount of biochemical work now being done at the Institute and also the need for such a highly paid Biochemist for carrying on this work?

(d) Is it a fact that Government promised to consider the desirability of continuing the biochemical work or delegation of the biochemical work to some other officer before according their sanction to the renewal of the Biochemist's contract? If so, what was the result of this consideration?

Mr. G. S. Bajpai: (a) and (b). The Honourable Member's attention is invited to the reply given to question No. 382, asked by Mr. K. C. Neogy on the 6th August, 1934.

(c) Yes. The Biochemist is also the Director of the Indian Lac Research Institute and is responsible for the administration and for the general direction of research work.

(d) Yes. The renewal of the Biochemist's contract has been sanctioned by the Government of India for a period of two years only during which period the Indian Lac Cess Committee will review the position in regard to the research programme of the Institute and the staff required to carry out that programme.

WORKS IN THE LAC RESEARCH INSTITUTE AND REPLACEMENT OF ITS DIRECTOR.

256. ***Mr. Ram Narayan Singh:** (a) Is it a fact that the present work of the Lac Research Institute and the work under the Lac Cess Committee in England and America are mainly concerned with the industrial applications of lac? If so, is the Director, who is only a Bacteriologist-Biochemist, in a position to direct or co-ordinate such researches?

(b) Are Government prepared to consider whether in the interests of efficiency and economy the Biochemist-Director should not be replaced by an Industrial Chemist and Director?

Mr. G. S. Bajpai: (a) Attention is invited to the reply given to Mr. K. C. Neogy's question No. 382, asked on the 6th August, 1934.

(b) The point will be borne in mind when the position in regard to the research programme of the Indian Lac Research Institute is reviewed.

LEAVE RULES FOR THE EMPLOYEES OF THE LAC CESS COMMITTEE.

257. ***Mr. Ram Narayan Singh:** (a) Is it a fact that the Lac Cess Rules lay down that the grant of leave to Officers and servants of the Lac Cess Committee are to be regulated as far as may be by the Fundamental and Supplementary Rules of the Government of India?

(b) Is it a fact that the Lac Cess Committee at its meeting of March 1934 recommended leave privileges for its officers, much in excess of what is allowed under the Fundamental and Supplementary Rules?

(c) In making this recommendation, did the Committee state that it was not practicable to apply Fundamental and Supplementary Rules as they stood? Did they also consider what would be the extra expenditure involved in thus recommending more generous leave privileges?

(d) Do Government, before arriving at a decision in the matter, propose to examine the recommendation in the light of the two considerations referred to in part (c) above?

(e) Is it a fact that whereas under the agreements with the Lac Association the European employees were entitled to six months' leave for six years of service and that whereas under the Fundamental and Supplementary Rules they would be entitled to three months' leave for every three years of service without accumulation, they would according to the recommendation of the Committee be entitled to 16 months' leave for six years?

Mr. G. S. Bajpai: (a) Yes.

(b), (c) and (e). The exact effect of the Committee's proposals as regards leave terms is being investigated.

(d) Yes.

INDIANISATION OF THE LAC RESEARCH INSTITUTE.

258. ***Mr. Ram Narayan Singh:** (a) Is it a fact that on the 27th November, 1933, Government promised to convey to the Lac Cess Committee "when they meet next" the desirability of Indianisation of the Institute?

(b) Did the Lac Cess Committee meet in March 1934 and consider the renewal of the Biochemist's contract?

(c) Is it a fact that Government did not convey to that meeting of the Lac Cess Committee the desirability of Indianisation as promised on the 27th November, 1933? If so, why did they not write to the Committee before March 1934?

(d) Is it a fact that Government did not ask the Lac Cess Committee when they met in November 1934, to consider the desirability of Indianisation, but merely asked them if they proposed to advertise in India for the posts of Biochemist, Entomologist and Physico-Chemist when their existing contracts expired?

(e) Was such a letter issued when the permanent Vice-Chairman was away on leave?

(f) Is it a fact that before the Lac Cess Committee could pass an opinion on the desirability of advertising for the Biochemist's post, they were presented with a *fait accompli* in the form of the sanction of Government for a further two years' contract for the Biochemist? If so, how do Government reconcile this action with their assurance to this House made on the 6th August, 1934, in reply to the supplementary questions by Messrs. Gaya Prasad Singh and S. C. Mitra?

Mr. G. S. Bajpai: (a) and (b). Yes.

(c) It is regretted that the requisite letter did not issue before the 13th April, 1934.

(d) This was unnecessary.

(e) Does not arise.

(f) I would refer the Honourable Member to the answer I have given to part (d) of his question No. 255. Government's decision to renew the Director's contract was due to the obvious need of awaiting the result of the review of the Institute's activities which is contemplated and in no way conflicts with the undertaking given in November, 1933.

INDIANS EMPLOYED IN HIGHER GRADES IN THE HOME AND FINANCE DEPARTMENTS OF THE GOVERNMENT OF INDIA.

259. ***Mr. T. S. Avinashilingam Chettiar** (a) Will Government please state the number of Indians employed in the higher grades in the Home and Finance Departments of the Government of India from the year 1925 onwards?

(b) With reference to the declared policy of the Parliament to provide for the increasing association of Indians in every branch of Indian administration, will Government please state how many more Indians are in these departments now than before?

The Honourable Sir Henry Craik: (a) and (b). I lay a statement on the table.

Statement showing the number of Indian Officers employed in the Higher Posts in the Home and the Finance Departments of the Government of India from the year 1925 up to 1st February, 1936.

Department.	Period.	Number.
Home Department	From 1925 to 19th April 1929	2
	From 19th April 1929 to 3rd April 1930	3
	From 4th April 1930 to 29th February 1932	2
	From 1st March 1932 to 14th November 1933	3
	From 15th November 1933 to 3rd December 1933	4
	From 3rd December 1933 to 13th March 1934	3
	From 14th March 1934 onwards	2
Finance Department	For the years 1925, 1932 and 1933	4
	For the years 1926, 1927 and 1928	6
	For the years 1929, 1930 and 1931	5
	From the year 1934 onwards	3

NOTE.—The figures include Indian officers employed as Assistant Secretaries. One post of Assistant Secretary in the Home and Finance Departments was abolished as a measure of retrenchment in 1933 and 1932 respectively, the number of posts of Assistant Secretary in these Departments now being 1 and 2 respectively.

Mr. T. S. Avinashilingam Chettiar: Is the number of Indians employed in the higher grades more or less than in 1925?

The Honourable Sir Henry Craik: The numbers are the same in the Home Department; in the Finance Department there is one less. It was 4 in 1925, but now it is 3.

Mr. S. Satyamurti: Is that "increasing association of Indians"?

Mr. T. S. Avinashilingam Chettiar: What about the rest of the Departments? In the Finance, if it is less now, does it show an increasing association of Indian officers?

Mr. President (The Honourable Sir Abdur Rahim): The inference is clear for any Honourable Member to draw from the answer given.

Mr. T. S. Avinashilingam Chettiar: May I know the reason for the reduction?

The Honourable Sir Henry Craik: One post of Assistant Secretary abolished as a measure of retrenchment.

Mr. S. Satyamurti: How does it happen that it was the post held by an Indian? Was it an accident?

The Honourable Sir Henry Craik: It was not an Indian post, but it was a post in the Department and it happened to be held by an Indian in 1925 and it has since been abolished.

Mr. S. Satyamurti: How does it happen that it resulted in one Indian being less in the Department?

The Honourable Sir Henry Craik: It was held by an Indian and since the post itself was abolished, there is one less.

Mr. T. S. Avinashilingam Chettiar: Has there been an increase in the number of Europeans in the Department?

The Honourable Sir Henry Craik: I do not think so.

RESULT OF THE IMPOSITION OF EXCISE DUTY ON THE DEVELOPMENT OF THE SUGAR INDUSTRY.

260. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will Government please state the result of the imposition of excise duty on sugar on the development of the sugar industry?

(b) How many mills registered for the production of sugar have been wound up after the levy of this duty?

Mr. A. J. Raisman: (a) I would refer the Honourable Member to my answer to part (a) of Mr. Bhuput Singh's question No. 270 in the last Simla Session of the Legislative Assembly. The sugar season of 1934-35 began only in November last and it is too early to give any further information on this point.

(b) The Sugar Technologist reports that he is not aware that any of the modern vacuum pan factories has been wound up after the levy of the excise duty, though some started work late and one has not yet been started. No statistics are available regarding open pan factories.

RESULT OF THE IMPOSITION OF EXCISE DUTY ON THE DEVELOPMENT OF THE MATCH INDUSTRY.

261. ***Mr. T. S. Avinashilingam Chettiar:** (a) Will Government please state the result of the imposition of excise duty on the production of matches on the development of the match industry?

(b) How many match factories have been closed down since the levy of the excise duty on matches?

Mr. A. J. Raisman: (a) As soon as the duty was announced and before it was imposed, there was a very large increase in the production of matches and abnormally large stocks were issued from the factories. Mainly as a result of this large accumulation of stocks and partly also in order to take the steps necessitated by the introduction of the banderol system, the manufactories suspended working when the Act came into force. Normal working was resumed about November last. Reports recently received from the Local Governments indicate that so far as can be judged at this stage, the duty has had no appreciable effect on the development of the industry.

(b) The information so far received from the Local Governments shows that there has been a decline in the number of cottage establishments producing matches in Bengal and Madras, but that no factories have closed down since the levy of the excise. On the contrary, a number of new factories have come into existence and applications for several more are now under consideration.

Mr. T. S. Avinashilingam Chettiar: May I know whether this excise duty applies to cottage industries which the Honourable Member says many of them have been closed down?

Mr. A. J. Raisman: The excise is also levied on matches produced in cottage industries, but there is a special rebate allowed to cottage factories.

Mr. T. S. Avinashilingam Chettiar: Can the Honourable Member give us an idea of what proportion of cottage produced matches have gone down?

Mr. A. J. Raisman: The position about cottage manufacture is that any individual may start or stop the manufacture. It is a fluctuating thing, it is not like a regular large scale factory for which we have detailed statistics.

Mr. T. S. Avinashilingam Chettiar: If excise is levied on them, Government must have an account of it. In that case, the Government must be in a position to give us the information.

Mr. A. J. Raisman: If the Honourable Member will put a specific question on paper regarding cottage production, I shall be happy to give the information. But by the wording of his question I understood that he meant "factories", because "closing down a factory" is hardly a phrase which is suitable for the cessation of production of matches in a cottage.

MEDICAL CERTIFICATES OF FITNESS FROM THE EMPLOYEES OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

262. ***Syed Ghulam Bhik Nairang** (on behalf of Dr. Ziauddin Ahmad): (a) Is it a fact that the employees of the Railway Clearing Accounts Office are asked to get a medical certificate for their fitness?

(b) Are they compelled to get the certificate from the Medical Officer attached to the North Western Railway hospital?

(c) Is he authorised to charge fees? If so, what is the amount of the fee which he is authorised to charge?

(d) Are Government not prepared to accept the certificate of fitness from recognised medical practitioners?

Mr. P. R. Rau: (a) and (b). Yes; a medical certificate of fitness from a medical officer, specified for the purpose, is required in such circumstances from all Government employees.

(c) No.

(d) No.

Lieut.-Colonel Sir Henry Gidney: In the event of an employee being in a far off place from a railway medical officer, is it or is it not a fact that Government are prepared to accept the medical certificate of a medical officer other than a railway medical officer?

Mr. P. R. Rau: I am afraid my Honourable friend in his anxiety to put a supplementary question has not seen the original question. The question is not about a certificate of unfitness of the employee, but of fitness.

Dr. T. S. S. Rajan: Are the railway medical authorities better qualified than the average practitioners outside?

Mr. P. R. Rau: No question of qualification is involved.

Dr. T. S. S. Rajan: The question of fitness to give medical certificate depends mostly on qualification?

Mr. P. R. Rau: The railways employ certain medical officers specially for this purpose.

Dr. T. S. S. Rajan: The mere fact that Government employ medical officers is not a guarantee of sufficient qualification to give certificate?

Mr. P. R. Rau: Certainly it is.

CRITICISM BY THE GOVERNMENT ACTUARY OF THE FREE INSURANCE SOCIETIES BASED ON THE DIVIDING SCHEME.

263. ***Mr. C. N. Muthuranga Mudaliar:** (a) Are Government aware that their Actuary has been strongly criticising and condemning, year after year, the existence of the so called free insurance societies based on the dividing scheme?

(b) Will Government be pleased to state whether it is a fact that the Government Actuary suggested to the All-India Railwaymen's Benefit Fund, Limited, Nagpur, to remove the clause guaranteeing minimum amount of benefits, in the rules relating to the Dividing Scheme of the Fund so as to enable it to be registered under the Indian Life Assurance Act?

(c) Do Government propose to penalise unactuarial benefit schemes which have already been criticised by the Government Actuary, All-India Congress Vigilance Committee, and many genuine Insurance bodies?

(d) Are Government aware that the Government Actuary received representations from many hundreds of persons and organisations like the Madras and Southern Mahratta Railway Employees' Union, giving reasons against allowing All-India Railwaymen's Benefit Fund to be registered under the Indian Life Insurance Act? If so, will Government be pleased to lay a copy of such representations on the table, together with a statement as to the action taken thereon by them?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) No. There is no provision for the registration of life assurance companies under the Indian Life Assurance Companies Act.

(c) The question of the amendment of the existing insurance law in India is under the consideration of the Government of India.

(d) No. On the contrary, the Government Actuary received a representation from certain members of the Fund asking that the provisions of the Act should be made applicable to the Fund.

Mr. N. M. Joshi: As regards part (c), may I ask how any organisation or association is to be penalised except under the legislation for penalising terrorists and such organisations?

The Honourable Sir Joseph Bhoré: I never said that.

Mr. N. M. Joshi: May I know what was the reply of Government on that point?

The Honourable Sir Joseph Bhoré: I said:

"The question of the amendment of the existing insurance law in India is under the consideration of the Government of India."

REGISTRATION OF THE ALL-INDIA RAILWAYMEN'S BENEFIT FUND, LIMITED, NAGPUR, UNDER THE INDIAN LIFE ASSURANCE ACT.

264. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that the All-India Railwaymen's Benefit Fund, Limited, Nagpur, has been permitted by the Actuary to the Government of India to be registered under the Indian Life Assurance Act, 1912?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what amount of deposit with Government under the said Act has been made?

(c) Are Government aware that the deposit does not belong to the insurance members of the Fund but to those coming under the dividing scheme branch of the Company?

(d) Are Government aware that more than 99 per cent. of the members of this company come under unactuarial dividing scheme?

(e) Do Government encourage Companies transacting benefit funds on dividing basis among the poor classes by allowing registration under Indian Insurance Act?

The Honourable Sir Joseph Bhoré: (a) No. The All-India Railwaymen's Benefit Fund, Ltd., Nagpur, is subject to the provisions of the Indian Life Assurance Companies Act, 1912, by reason of the fact that it carries on life assurance business.

(b) The Fund has so far deposited Government securities of the face value of Rs. 50,000 with the Controller of the Currency, Calcutta.

(c) This part of the question is not understood, but I may mention that a deposit is payable under section 4 of the Act in respect of income derived from dividing business as well as income derived from endowment insurance business.

(d) Government have no information, but they have no reason to doubt the Honourable Member's statement.

(e) No.

DEVELOPMENT OF THE TUNGABHADRA PROJECT.

265. *Prof. N. G. Ranga: (a) Are Government aware of the recommendations of successive Famine Commissions that the Tungabhadra Project ought to be taken up by Government as the most important Famine Relief measure so as to protect the ceded Districts from the ravages of famine?

(b) If the reply to part (a) be in the affirmative, what steps have so far been taken by Government to develop this project?

(c) How do Government explain the non-materialisation of this much needed Tungabhadra Project?

The Honourable Sir Frank Noyce: (a) I cannot agree that the recommendations of the successive Famine Commissions have been in the sense indicated by my Honourable friend, but I agree that it has long been recognised that the construction of a reservoir on the Tungabhadra would go far to solve the famine problem in the ceded districts.

(b) Various schemes have been investigated, and the whole question is still under consideration.

(c) The project is beset by political, engineering and financial difficulties.

Prof. N. G. Ranga: Is the Honourable Member aware of the reply given by the Madras Government to a question in the Madras Legislative Council last month that, because they had to undertake the Mettur project, they had to give up the development of the Tungabhadra project?

The Honourable Sir Frank Noyce: No, Sir; I am not aware of that.

Mr. M. Ananthasayanam Ayyangar: How long has the Tungabhadra project been under consideration?

The Honourable Sir Frank Noyce: To my knowledge for at least 30 years. I started my own service in the Bellary district at a time when the project was being investigated. Whether that was the first time it was investigated or not, I cannot say definitely.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member personally satisfied that there is no need for that scheme?

The Honourable Sir Frank Noyce: No, Sir. On the contrary, I said that I agree that it has long been recognised that the construction of a reservoir on the Tungabhadra would go far to solve the famine problem in the ceded districts.

Mr. M. Ananthasayanam Ayyangar: If the Local Government have not been able to bring it into effect, will the Central Government finance the scheme?

The Honourable Sir Frank Noyce: I should doubt that. The question would more properly be addressed to the Finance Member, but I think he will want very strong reasons for the Government of India financing this project.

Prof. N. G. Ranga: Will the Honourable Member tell us how many districts are expected to be benefited if this Tungabhadra project is developed?

The Honourable Sir Frank Noyce: The Honourable Member probably knows better than I do. I am not aware of the exact scope of the new project. It would certainly help the districts of Bellary and Kurnool and possibly also Cudappah and Anantapur. But I cannot possibly say off-hand.

DEVELOPMENT OF THE TUNGABHADRA PROJECT.

266. *Prof. N. G. Ranga: (a) Will Government of India be pleased to state if they have received any report from the Madras Government about its recent negotiations with the Governments of Mysore and Hyderabad regarding the Tungabhadra Project?

(b) Is it not a fact that Government are in a better position than the Government of Madras to conduct the necessary negotiations with the concerned Governments of the Indian States regarding the allocation of water of and the financial responsibility etc., for the Tungabhadra Project?

(c) If so, are Government prepared to undertake to carry on such negotiations as are found necessary and desirable, on behalf of the Madras Government so as to expedite matters?

The Honourable Sir Frank Noyce: (a), (b) and (c). A reference has very recently been received from the Government of Madras regarding the utilization of the waters of the Tungabhadra river. I can only say at present that the whole question will receive very careful consideration.

Mr. S. Satyamurti: How long will Government take to decide this question, one way or the other? Thirty years is surely a very long period!

The Honourable Sir Frank Noyce: I am quite unable to say. I can only say that I saw a reference from the Madras Government for the first time yesterday evening and that it raises questions of extraordinary difficulty. As my Honourable friend probably knows, the Madras Government are not the only party concerned. There are also the Mysore and Hyderabad States, and negotiations with them may take a very considerable time.

Prof. N. G. Ranga: Will the Government of India be prepared to get into negotiations with these States?

The Honourable Sir Frank Noyce: I cannot say until the reference from the Madras Government which, as I said just now, was recently received and was seen by me only yesterday, has been examined.

Prof. N. G. Ranga: Is the Honourable Member aware that the Madras Government have been negotiating with these States for the last six years?

The Honourable Sir Frank Noyce: That is an indication of the difficulties encountered by the Madras Government.

Prof. N. G. Ranga: Does not that show that there is a great need for the Government of India to take a hand in these negotiations with these States?

The Honourable Sir Frank Noyce: That presumably is the reason why the Government of Madras have now referred the matter to the Government of India.

DEVELOPMENT OF THE TUNGABHADRA PROJECT.

267. ***Prof. N. G. Ranga:** (a) Are Government aware of the outbreak since December, 1934, of a serious famine in all the districts of the ceded area?

(b) Will Government be pleased to state the expenditure incurred by both the Madras Governments and themselves upon famine relief in these ceded districts since the last Famine Commission submitted its report in favour of this Tungabhadra Project?

The Honourable Sir Frank Noyce: (a) Government are aware of agricultural distress in these districts.

(b) I regret that I am unable to supply this information.

Prof. N. G. Ranga: Will Government be pleased to supply us with that information by applying to the Madras Government?

The Honourable Sir Frank Noyce: I think the question would more properly be put in the Madras Legislative Council.

Prof. N. G. Ranga: Is the Honourable Member of the opinion that he cannot possibly get that information from the Madras Government?

The Honourable Sir Frank Noyce: I am prepared to examine the question again and see how far we can supply it.

Mr. M. Ananthasayanam Ayyangar: Whatever might have been spent by the Madras Government all these years, how much has been spent by this Government in this particular tract?

The Honourable Sir Frank Noyce: I should imagine none.

CENTRAL BUREAU OF IRRIGATION CONSULTED BY PROVINCIAL GOVERNMENTS REGARDING THEIR IRRIGATION PROJECTS.

268. ***Prof. N. G. Ranga:** (a) Will Government be pleased to state if the Central Bureau of Irrigation had been consulted by any of the Provincial Governments regarding their irrigation projects, since its inception, and if so, by which provincial Governments and for what projects?

(b) What is the nature of the assistance rendered by the said Bureau for each one of the projects referred to it?

The Honourable Sir Frank Noyce: (a) and (b). The Central Bureau of Irrigation does not advise on irrigation projects. Its main objects are to ensure the free exchange of information and experience in irrigation and allied subjects between the engineer officers of the various provinces; to co-ordinate research in irrigation matters throughout India and to disseminate the results achieved; to convene at intervals general congresses at which selected irrigation matters may be discussed by officers from various provinces; and to establish contact with similar bureaux in other countries with a view to the exchange of publications and information. These objects necessitate among other things the maintenance of a comprehensive library of irrigation publications both Indian and foreign.

The Bureau also acts as the office of the Central Board of Irrigation.

FAILURE OF CROPS IN CERTAIN PARTS OF INDIA DUE TO FROST AND ASSISTANCE FROM THE PEOPLES FAMINE TRUST.

269. ***Prof. N. G. Ranga:** (a) Are Government aware of the failure of crops in and around Agra District, parts of Guzerat, and Nasik District owing to the recent visitation of frost and in the ceded districts, Chittoor and Tinnevely in the Madras Presidency owing to the failure of monsoons last year?

(b) Have any of the Local Governments applied for any assistance? If so, which of them have applied and for what grants?

(c) If the reply to part (b) be in the affirmative, are Government prepared to make adequate grants to the Provincial Governments concerned from out of the Peoples Famine Trust?

Mr. G. S. Bajpai: (a) Government have seen no official reports except in regard to the ceded districts and Chittoor in the Madras Presidency. There owing to the failure of monsoons last year agricultural distress prevails.

(b) No.

(c) Does not arise.

REPORT OF COMMITTEE APPOINTED TO ENQUIRE INTO THE COCOANUT INDUSTRY IN INDIA.

270. ***Raja Sir Vasudeva Rajah:** (a) Will Government be pleased to state whether they have received the report of the Sub-Committee appointed by the Imperial Council of Agricultural Research to make recommendations with reference to the Coconut Industry in India?

(b) Are Government aware that this problem is very acute in South India and that immediate steps are necessary to save the industry?

(c) Do Government propose to deal with the case expeditiously?

Mr. G. S. Bajpai: (a) Yes.

(b) and (c). The matter is under the consideration of Government who will endeavour to arrive at a decision as soon as possible.

IMPORTATION OF FOREIGN RICE INTO THE MADRAS PRESIDENCY.

271. *Raja Sir Vasudeva Rajah: (a) Will Government be pleased to state whether they have received any representations from the Government of Madras in regard to the importation of foreign rice into that Presidency and the effect it is having on the agricultural conditions in that Province?

(b) Will Government be pleased to state whether the Madras Government are in favour of putting a tariff duty on the importation of paddy and rice in order to give relief to the local agricultural industry?

Mr. G. S. Bajpai: (a) and (b). Yes.

Raja Sir Vasudeva Rajah: Are the representations confidential or can we have a copy of them?

Mr. G. S. Bajpai: I should like to say that just at present I am not prepared to disclose the representations.

ORGANISATIONS AND INSTITUTIONS DECLARED UNLAWFUL UNDER THE ORDINANCE AND OTHER ACTS.

272. *Mr. Mohan Lal Saksena: Will Government be pleased to state the names of all the organisations and institutions which have been declared unlawful under the ordinances or the common law since December, 1931, and from which ban has not yet been removed?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to reply to questions Nos. 272 and 273 together.

I lay on the table a statement showing the number and character of the bodies from which the ban has not yet been withdrawn. Local Governments examine the question of the withdrawal of the ban from time to time and the Government of India are satisfied that they are strictly adhering to the policy indicated in the Government of India's communiqué of the 6th June, 1934, and are maintaining the ban in the case of such bodies as in their opinion are still a danger to the peace of the country.

Statement showing the number of Bodies from which the Ban has not been removed.

Serial No.	Province.	Number.	Character of the organisation.
1	Madras	1	Communist.
2	Bombay	260	5 are communist. The others which include the Hindustani Seva Dal are either revolutionary organizations or were specially formed for the breaking of laws, or are associations which do not form constituent parts of the Congress organization, being purely <i>ad hoc</i> organizations created for the purpose of carrying on the various activities of the civil disobedience movement.
3	Bengal	205	The above remarks apply except that there are no communist bodies involved. The organizations are in most cases terrorist in character.
4	United Provinces	Not known.	These organizations which include the Prem Maha Vidyalay, Brindaban, the Nau Jawan Bharat Sabha, the Hindustani Seva Dal, Youth Leagues and their branches were declared unlawful as they were definitely of a seditious, communist or revolutionary nature, and cannot be described as purely Congress organizations. The Collector of Muttra, with the approval of the Local Government, filed a suit under Section 92 of the Civil Procedure Code with the object of introducing a new scheme of management for the Prem Maha Vidyalay, Brindaban and with a view to carrying out the wishes of the original donors of the endowment. At the same time, he also applied for the appointment of a receiver to take charge of and manage the property of the Vidyalay. The Sub-Judge, Muttra, dismissed the suit filed under Section 92, Civil Procedure Code, and also refused to appoint a receiver. An appeal against the order of the Sub-Judge is pending in the High Court.
5	Punjab	13	5 are purely communist bodies. The others which include the Hindustani Seva Dal are of the character referred to at item 2 above.
6	Burma	244	These are associations proscribed at the time of the rebellion and are confined to rebel districts. Their declared object was the non-payment of capitation tax and thathameda tax.
7	Bihar and Orissa	Nil.	
8	Central Provinces.	7	These organizations were <i>ad hoc</i> bodies generally started to carry out the activities of the Civil Disobedience movement.
9	Assam	Nil.	
10	N.-W. F. P.	Not known.	But they consist of (1) the N.-W. Frontier Province Jirga (Frontier Provincial Congress Committee), (2) all District and local Jirgas or Congress Committees subordinate thereto, (3) all Volunteer organizations connected with the above, whether known as Red Shirts or otherwise and (4) the Provincial Naujawan Bharat Sabha inclusive of all district and local branches thereof. These organizations are mainly of revolutionary character.
11	Coorg	} Nil.	
12	Delhi		
13	Ajmer-Merwara		

Mr. Mohan Lal Saksena: Is the Honourable Member aware that the Prem Maha Vidyalaya is a purely educational institution?

The Honourable Sir Henry Craik: No, Sir; I am not aware of that.

Mr. Sri Prakasa: Will the Honourable Member kindly make himself aware? Is it not a fact that many arbitrary proceedings are indulged in by Local Governments on false reports by the police?

The Honourable Sir Henry Craik: No, Sir.

Mr. Mohan Lal Saksena: Will the Honourable Member make inquiries in this matter?

The Honourable Sir Henry Craik: I have already made inquiries in the matter.

Mr. Mohan Lal Saksena: When?

The Honourable Sir Henry Craik: Some time ago. The latest reports are of very recent date.

Mr. Sri Prakasa: What was the result of that inquiry.

The Honourable Sir Henry Craik: The result is that this institution is far from being a purely educational institution.

Mr. S. Satyamurti: Apart from the report of the Local Government, may I know whether any inquiry was instituted by this Government to satisfy themselves that the Local Government was right in saying that this was not a purely educational institution?

The Honourable Sir Henry Craik: No, Sir, it is not required.

Mr. Sri Prakasa: As this institution has been closed for two years and a half, I want to know what the basis is of the Honourable Member's inference that it is not an educational institution? What other institution is it at the present moment?

The Honourable Sir Henry Craik: I do not think it has been closed for the last 2½ years. But, before it was closed, it was not only an educational institution, but it was also a revolutionary institution.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

Mr. Mohan Lal Saksena: As a matter of fact, the Honourable Member has answered both the questions, and that is why we have been putting supplementary questions to both.

The Honourable Sir Henry Craik: The statement laid on the table contains the replies to both the questions.

Mr. Sri Prakasa: Will the Honourable the Home Member accept my statement that the police do give false information? Will he accept

this statement that an institution in Benares which was a purely educational institution for school children was declared unlawful by the Local Government as the Gandhi Ashram? Will he further accept my assurance that when I wrote to the District Magistrate on the subject informing him that it was a purely educational institution for little children, I got the reply that his information was that it was the Gandhi Ashram? Will he also further accept my statement that the Gandhi Ashram itself went on functioning merrily about two miles away from that place?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really supplying information to the Honourable the Home Member.

Mr. Sri Prakasa: But in the form of questions.

Mr. S. Satyamurti: May I know what is the information on which the Government are satisfied that the Hindustani Seva Dal, which is part and parcel of the Indian National Congress, is a revolutionary body and a body on which the Government are not prepared to remove the ban?

The Honourable Sir Henry Craik: The information supplied is of a confidential nature and I cannot disclose it. But the information supplied is of recent date, very detailed, and it has completely satisfied me that it is not a purely Congress association and that it is a revolutionary body.

Mr. Sri Prakasa: How long are we going to be condemned and innocent institutions are going to be condemned on false confidential reports supplied to this Government?

Mr. President (The Honourable Sir Abdur Rahim): That is a question based on certain assumptions: if the Honourable Member can put the question without making assumption, he will be in order.

Mr. Mohan Lal Saksena: May I know what the Honourable Member means by a revolutionary institution?

The Honourable Sir Henry Craik: I mean an institution whose aim is revolution.

Mr. Mohan Lal Saksena: Does he mean that the institution advocates violence?

The Honourable Sir Henry Craik: In this case, yes.

Mr. Mohan Lal Saksena: Does he mean to suggest that according to his information the Hindustani Seva Dal advocates violence?

The Honourable Sir Henry Craik: Yes.

Mr. S. Satyamurti: May I know by whom the information was supplied to the Government and when?

The Honourable Sir Henry Craik: I have already stated that the information supplied is confidential: it was supplied by the Local Government at a comparatively recent date.

Mr. S. Satyamurti: In view of the fact that the Hindustani Seva Dal is an all-India institution, may I know whether all Local Governments in India have told the Government of India that it is a revolutionary organisation?

The Honourable Sir Henry Craik: I did not say it is revolutionary all over India. It is banned in certain provinces.

Mr. President (The Honourable Sir Abdur Rahim): Sufficient supplementary questions have been put on this.

Mr. S. Satyamurti: With very unsatisfactory answers!

Mr. Akhil Chandra Datta: May I ask one supplementary question?

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks sufficient questions have been put.

NON-REMOVAL OF BAN FROM THE ALL-INDIA HINDUSTANI SEVA DAL AND ITS BRANCHES AND THE PREM MAHA VIDYALAY, BRINDABAN.

†273. ***Mr. Mohan Lal Saksena:** (a) Will Government please state the reasons for which the ban has not been removed from the All-India Hindustani Seva Dal and its branches and the Prem Maha Vidyalay, Brindaban?

(b) Are Government aware that the Hindustani Seva Dal was purely a volunteers' organisation and formed an integral part of the Indian National Congress? If so, does not the lifting of ban from the various Congress Committees automatically make their volunteer organisations lawful?

RECRUITMENT OF TELEPHONE OPERATORS.

274. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will Government be pleased to state the procedure laid down for the recruitment of candidates for the posts of telephone operators? What qualifications, if any, were required of such candidates in the years 1929—32?

(b) Will Government be pleased to state if competitive examinations were held for these posts in 1929 and 1930? If so, what was (i) the result of the examination, and (ii) the number of approved candidates?

(c) Were any candidates other than the approved candidates given officiating chances? If so, why?

The Honourable Sir Frank Noyce: (a) As regards the first part of the question, the present procedure is to recruit such candidates as have passed the Matriculation examination or its equivalent and have a good colloquial knowledge of English and of the prevailing local vernacular, preference being given, up to a certain extent, to female candidates possessing such qualifications. When female candidates possessing such qualifications are not available, the Head of a Circle can, at his discretion, exempt any female candidate from the educational qualification if

†For answer to this question see answer to question No. 272.

she is otherwise suitable in all respects. As regards the second part, during the years 1929—1932 no such definite orders regarding the qualifications of candidates were in force, and candidates were, therefore, selected by the appointing authorities at their own discretion.

(b) On the assumption that from the Honourable Member's subsequent questions Nos. 275 and 280 he is referring to examinations in the Agra Division, the reply to the first part of the question is in the negative. The second part of the question does not arise.

(c) Yes, in leave vacancies in the Agra Division to which, it is presumed, the Honourable Member is referring. This was because there was at the time no bar against employing unapproved candidates in such purely temporary vacancies.

SECOND EXAMINATION HELD FOR RECRUITMENT OF TELEPHONE OPERATORS IN THE AGRA EXCHANGE.

275. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will Government be pleased to lay on the table of this House, (i) the memo. of handing over charge by Mr. D'Cruze, in charge of the Agra Exchange till the end of February, 1933, and (ii) any report that might have been submitted by his successor, as to the inefficiency of the approved candidates mentioned therein?

(b) Will Government be pleased to state the reason or reasons for holding another examination just after a month of the beginning of the régime of the new officer? Was there any heavy demand for operators at that time?

The Honourable Sir Frank Noyce: (a) Government are not in possession of the documents asked for and do not consider that any useful purpose will be served by collecting them. Further, the Honourable Member's assumption that there were at the time approved candidates in the Agra Exchange is not correct.

(b) The Honourable Member is referred to parts (b) to (d) of the statement laid on the table of this House on the 13th March, 1934, in reply to parts (b) to (j) of Mr. Gaya Prasad Singh's unstarred question No. 293 on the 11th December, 1933.

RELAXATION OF THE CONDITION OF PASSING THE MATRICULATION EXAMINATION FOR FEMALE TELEPHONE OPERATORS.

276. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will Government be pleased to state if the condition of passing the Matriculation Examination has been relaxed in the case of the female telephone operators? If so, why?

(b) Is it a fact that exemptions from the aforesaid condition have been granted even in the cases of some male operators? If so, will Government please state the reason or reasons for the same?

The Honourable Sir Frank Noyce: (a) The Honourable Member is referred to the reply just given to his question No. 274. The reasons for the preferential treatment of female candidates are, that in the opinion of

Government females are specially suited for employment as telephone operators and that female candidates possessing the qualification of a pass in the Matriculation examination or its equivalent are not at present readily available.

(b) The reply to the first part of the question is that no such case has come to the notice of Government since the condition referred to was laid down. The second part of the question does not, therefore, arise.

COMMUNAL REPRESENTATION IN THE RECRUITMENT OF GIRL TELEPHONE OPERATORS.

277. *Pandit Sri Krishna Dutta Paliwal: (a) Will Government be pleased to state if their order regarding communal representation in the services has been observed in the recruitment of girl telephone operators? If so, will Government please state the number of non-Anglo-Indian girls who have benefited by that order?

(b) Will Government be pleased to state if any attempt was made to secure the recruitment of Matriculate girls through the Education Department? If so, with what result? If not, why not?

The Honourable Sir Frank Noyce: (a) Government have no reason to suppose that their orders in question are not being observed in making recruitment to the cadre of telephone operators. As regards the second part, the information asked for is not readily available.

(b) As regards the first part of the question, it is assumed from the Honourable Member's preceding question No. 276 and part (a) of the present question that he is referring to recruitment to the cadre of telephone operators. If so, Government have no information. The remainder of the question does not arise.

COMMUNAL COMPOSITION OF TELEPHONE OPERATORS IN THE AGRA DIVISION.

278. *Pandit Sri Krishna Dutta Paliwal: (a) What is the number of the approved candidates for the posts of telephone operators now in Agra Division?

(b) How do they stand as regards their communal composition?

(c) What is the communal composition of the permanent staff of the Division?

(d) Is it a fact that Anglo-Indians have got over-representation in this Division? If so, why?

The Honourable Sir Frank Noyce: (a) Sixteen.

(b) They comprise one Hindu, one Muslim and 14 Anglo-Indians.

(c) Hindus 41, Muslims seven, Sikhs two, Indian Christians five and Anglo-Indians 13: total 68.

(d) All the Anglo-Indians referred to in the reply to part (c) above are employed as telephone operators and the preponderance of that community in this branch is explained by the fact that preference is given to women in the recruitment of telephone operators and that female candidates from other communities are not at present available.

COMPLAINTS AGAINST TELEPHONE OPERATORS.

279. *Pandit Sri Krishna Dutta Paliwal: (a) Will Government be pleased to state the number of complaints received from the public in the time of the approved candidates of 1929 and 1930, for the posts of telephone operators, who were allowed officiating chances?

(b) Will Government please state the number of complaints received in respect of the work of each individual and the nature of the complaints?

(c) Is it a fact that most of the complaints received were directed against the work of the non-Matriculates approved in 1929-30?

The Honourable Sir Frank Noyce: (a) to (c). Government have no information but the Honourable Member's assumption that the candidates in question were accepted as approved candidates is not correct.

RECRUITMENT OF MATRICULATE TELEPHONE OPERATORS IN THE AGRA DIVISION.

280. *Pandit Sri Krishna Dutta Paliwal: (a) Is it a fact that Government introduced new rules regarding the recruitment of matriculate operators in July, 1933? If so, will Government be pleased to state what concession, if any, has been allowed to those approved candidates who passed the 1929-30 examinations and were given officiating chances by the Divisional Engineer of Telegraphs, Agra Division?

(b) Will Government be pleased to state if it is a fact that the names of several approved candidates who had passed the examination, and had also several times acted as telephone operators, have now been removed from the list of approved candidates?

(c) Is it also a fact that many of these candidates have been told that their services will no longer be required?

(d) Will Government be pleased to lay on the table of this House a copy of the letter No. E-30/2/1, dated the 3rd April, 1932, from the Divisional Engineer of Telegraphs, Agra, to the D. A. E. P., Agra, asking for the Service Books of the approved candidates, who had been doing officiating chances? Are the service books asked for ready?

The Honourable Sir Frank Noyce: (a) As regards the first part of the question, the fact is substantially as stated by the Honourable Member, except that the new rules were introduced in 1934 and not in 1933. As regards the second part, the Honourable Member's assumption, that the candidates in question were accepted as approved candidates after subjecting them to an examination in 1929-1930, is not correct. On the occurrence of certain permanent vacancies in 1933 these candidates were examined. Only five, however, passed the test and orders appointing them were issued. The claims of the remaining candidates for appointment have been rejected.

(b) and (c). The Honourable Member is referred to the reply given to part (a) above.

(d) Government do not consider that any useful purpose will be served by laying on the table a copy of the Divisional Engineer's letter, as the candidates referred to had never been accepted as approved candidates.

Mr. Sri Prakasa: Will the Honourable Member state whether there is a bar against the employment of married women?

The Honourable Sir Frank Noyce: Not that I am aware of.

Mr. Sri Prakasa: Will Government kindly issue some regulation in order that married women may be barred?

The Honourable Sir Frank Noyce: No.

Lieut.-Colonel Sir Henry Gidney: Why?

Mr. Sri Prakasa: Do not Government feel, as the custodian of the well-being of the people, that the home suffers if married women are employed?

PROPERTIES OF DECEASED HINDUS IN THE KALAT TERRITORY.

281. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if there is any law or rule prevailing in Nasirabad Tahsil of the British Baluchistan, prohibiting any particular community from purchasing agricultural land there?

(b) Is it a fact that Hindus are not being allowed to purchase agricultural property there? If so, why?

(c) Is it a fact that about 80 per cent. of land is lying fallow which Hindus are ready to purchase to develop agriculture?

(d) Are the rules framed in Sind for selling land to the highest bidder without distinction of caste or creed, in the Barrage areas applicable to this Tahsil also or not? If not, why not?

(e) Do Government in the interest of the development of agriculture, propose to adopt equitable and fair measures without putting a ban on any community in respect of the disposal of agricultural land in the aforesaid Tahsil?

Mr. H. A. F. Metcalfe: (a) and (b). It has always been the custom in Baluchistan for permanent alienation of land, to persons other than tribesmen, to be prohibited in the tribal areas. This *riwaj* or custom was re-expressed in the award of the *Shahi Jirga*, dated the 16th February, 1923, which clearly enunciated the principle that land in tribal areas should be reserved for the tribesmen. This principle was accepted by the Local Administration for the benefit of the indigenous inhabitants of the Province, and it applies equally to Nasirabad which is itself a tribal area. It follows that Hindus, who are not tribesmen of Baluchistan, are not permitted to purchase agricultural property in that sub-division.

(c) No. Cultivation has developed with unparalleled speed and 60 per cent. intensity of irrigation has already been achieved. Only 8,000 acres remain to be settled and they will be distributed before the next harvest.

(d) Rules framed in Sind do not apply to Nasirabad, which is a part of the province of Baluchistan.

(e) Government, after the fullest consideration, have already come to the conclusion that land in the perennial area in Nasirabad should be used for the settlement of Baluchistan tribesmen, whose requirements are indeed far greater than the small Nasirabad area can possibly meet.

SHORT NOTICE QUESTION AND ANSWER.

OTTAWA TRADE AGREEMENT AND ITS RESULTS.

Mr. Mathuradas Vissanji: Will Government be pleased to state whether they are prepared to give this House an opportunity to discuss the Ottawa Trade Agreement and its results, and if so, when they will be in a position to do so?

The Honourable Sir Joseph Bhore: The Government of India are fully prepared to implement the undertaking given in the course of the debates on the Ottawa Trade Agreement that the Agreement and its results should be reviewed at the end of three years. They will, therefore, give an opportunity for a discussion on this subject in the course of the next Budget Session. Government, however, wish to make it clear that the information which can be placed before the House at that time will of necessity be incomplete, since full agricultural statistics will not be available until April or May.

ELECTION OF THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following five Members have been elected to the Standing Committee on Pilgrimage to the Hedjaz, namely:

- (1) Mr. Ahmed Ebrahim Haroon Jaffer,
- (2) Mr. T. A. K. Sherwani,
- (3) Mr. M. A. Baqui,
- (4) Seth Haji Abdoolah Haroon, and
- (5) Maulana Shaukat Ali.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that Srijut N. C. Bardaloi and Messrs. F. W. Hockenhuil and Muhammad Nauman have been elected to the Standing Committee for the Department of Industries and Labour.

RESOLUTION RE REVISION OF THE TAXATION POLICY.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Resolution of Dr. Ziauddin Ahmad. Sardar Mangal Singh, the Chair thinks, has finished.

Sardar Mangal Singh (East Punjab: Sikh): Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The amendment has been moved, is it not?

Sardar Mangal Singh: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The amendment moved is:

"That at the end of the Resolution, the following be added:

'with a view to assess land revenue in the Centrally Administered Areas on the basis of income-tax'."

Then, there are two other amendments in the names of Mr. Ghanshiam Singh Gupta and Mr. Avinashilingam Chettiar to the same effect

Mr. Ghanshiam Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): Mine is not to the same effect, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The next amendment is by Prof. N. G. Ranga.

Mr. Ghanshiam Singh Gupta: May I submit, Sir, that my amendment is not to the same effect?

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean No. 2?

Mr. Ghanshiam Singh Gupta: Yes, Sir. Because No. 1 does not talk about rents on agricultural holdings, it only speaks of land revenue and that it should be on the basis of income-tax. It gives or lays down a particular mode on which land revenue should be assessed. That is Sardar Mangal Singh's amendment. By my amendment I want to say that the Government should take immediate steps in revising their present taxation policy, particularly with respect to the assessment of land revenue and rents on agricultural holdings. I lay emphasis on that part of the taxation policy of the Government of India which relates not only to land revenue policy, but to rent policy in respect of agricultural holdings. Therefore, Sir, my amendment is different from the amendment of Sardar Mangal Singh. His amendment only touches the landlord, whereas my amendment relates to tenants.

Mr. President (The Honourable Sir Abdur Rahim): The Chair ruled the other day that the question of assessment of land revenue must be confined to the Centrally Administered Areas. The Chair does not know if the Honourable Member suggests that the question of assessment of land revenue and of rents stands on a different footing. The Resolution refers to the taxation policy of the Government. The Chair does not understand what the position of the Honourable Member is.

Mr. Ghanshiam Singh Gupta: Sir, my position is this. I bow to your ruling, but I most humbly submit that the question raised is of such importance that I would request the Chair to take into consideration certain further arguments. My submission is this, that the question of the land revenue policy can be discussed in this House inasmuch as it is a reserved subject, and in the reserved subject, according to Devolution Rule No. 13, the Governor General in Council has power of superintendence, direction and control

Mr. President (The Honourable Sir Abdur Rahim): The Chair has considered all that, and it has given its ruling so far as this is concerned. So the Chair takes it that the Honourable Member's amendment really covers the same ground as that of Sardar Mangal Singh, taking the Chair's ruling as it is.

Mr. Ghanshiam Singh Gupta: Even in the Administered Areas, Sir, I believe there are tenants, and their rents have to be considered.

Mr. President (The Honourable Sir Abdur Rahim): That is a matter for the landlord.

The next amendment is in the name of Prof. N. G. Ranga.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I beg to move the following amendment:

"That at the end of the Resolution, the following be added:

'with a view to so redistribute the incidence of taxation as to lower its burden upon the poorer classes of this country'."

In moving this, I wish to draw the attention of Honourable Members to the present inequality in the distribution of tax burden as between the rich and the well-to-do and the poor and the peasants. The Provincial Governments all over India are already obliged to depend for most of their incomes on excise and land revenue incomes. Seventy to eighty per cent. of their incomes are derived from land revenue and excise, and these revenues are derived mostly from workers who live in towns and peasants who mostly live in villages and are really not able to make both ends meet in these days of economic depression. And, when we come to the Central Government and central revenues, we find that as much as seventy per cent. of their revenues are derived from the ordinary masses in the country, the poor peasants and workers all over the country. Sir, there is an old time-worn axiom of Gladstone,—I think it was Mr. Gladstone who said it in the British Parliament,—that as between direct and indirect taxes, he would like to treat them as two maidens of equal beauty and purity and it was his duty to woo them equally passionately and also lovingly. Therefore, he suggested that the taxes should be so distributed that the burden of indirect taxes will not be more than the burden of direct taxes, but even this axiom has been contested on very many occasions by British politicians and statesmen, and the policy of progressively raising more and more taxes and levying tax burdens upon the richer classes in order to lower the burden of taxation upon the poor classes has been followed consistently for the last 15 to 20 years. Even today, the burden of taxation that is borne by the poorer classes of that country is not more than 33 and one third per cent., while on the other hand in this country it is twice as much, if not more. In England, it has come to be recognised that, as far as it is possible, no fresh burdens of taxation should be levied upon the poorer classes. Here no such understanding has been arrived at and no such policy has been followed, and, from year to year, we find that more and more taxes are being raised, more and more duties are being levied upon our agricultural classes and upon our rural as well as urban working classes. If we look into the Simon Commission Report, we find the special Commissioner drawing attention to some of the principal features of taxation and there he says

[Prof. N. G. Ranga.]

that one of the principal features of our taxation policy is the small yield from income-tax and the total exemption of agricultural incomes from income-tax and the absence of death duties. In England large revenues are being derived from death duties. From the income-tax also, larger incomes are being derived than even from the customs revenues. And agricultural incomes in that country are not exempt from income-tax and the land lords are paying their own share, while here we find the ordinary peasant, who is really unable to make both ends meet and who is unable to pay the interest charges on their rural indebtedness, is being over-taxed by the land revenue policy of the Provincial Governments. As I have shown the other day, the income derived by the various Provincial Governments, in different provinces from land revenue, has been increasing phenomenally by as much as seven crores of rupees in the last 12 to 15 years, and even now in the Madras Presidency land revenue is being enhanced in various districts by three annas in the rupee and only recently there was a discussion in the Madras Legislative Council protesting against the enhancement imposed upon South Canara and two Godavara and Kistna districts.

The Honourable Member for Industries and Labour admitted yesterday that the unemployment problem in rural areas is really very much more serious than the industrial unemployment. What is the assistance they have received from the Government of India? The only help they have received is the imposition of ever increasing burdens of indirect taxation. Just now there was a mention made about the excise duty on matches. Who pays that duty? Who pays all these duties on cloth, steel and other things which are being introduced into this country. Most of these charges are borne by the ordinary masses, the poorer classes of this country. Only last year new excise duties were levied. Is it because the poorer classes in this country are prospering? Is it because the poorer classes in this country are able to earn very much more than has been possible for them previously? No, Sir. The Honourable Member for Industries and Labour admitted yesterday that the industries have been doing very well. Sir George Schuster, the predecessor of our Finance Member, admitted on the floor of this House in the discussion that took place on Mr. Joshi's Resolution on unemployment that our industries such as textiles and steel have been doing very well indeed. While the burden on the peasants has been increased, the taxes on the people who have been doing very well, who have been deriving huge profits and declaring fat dividends, have been lowered.

Then, again, there are the zamindars in this country, thousands and thousands of them. People are still very proud that they are zamindars simply because they are able to derive incomes from their tenants without having to work, without having anything to contribute to the agricultural prosperity, without having to contribute anything to the moral and material progress of the country. These people are deriving as much as 20 crores of rupees in this country as their annual income. Are they made to pay a pice? No. Not even a sou. Why is it? Does not the Government of India know that these people do not contribute any income-tax on their incomes? They know it. The Taxation Inquiry Committee has recommended the imposition of this tax. The Statutory Commission has deplored the fact that the income-tax on their incomes has not been raised. Even the Joint Parliamentary Committee says that it should be

raised by the Provincial Governments and by the Provincial Legislatures and not by the Central Government and the Central Legislature. Why? As I read in between the lines of the Joint Parliamentary Committee Report, they know it will be practically impossible in future for Provincial Governments to impose this tax upon zamindars who really will have political control in the provinces. As soon as you have Second Chambers in the Provinces, it will not be possible to raise any tax upon the zamindars. Why is it that the Central Government has been so very solicitous about zamindars? Why is it that the Central Government is so very solicitous about raising more and more burdens upon the peasant class from year to year and again and again and so consistent in their policy of not imposing even a pice of taxation on the incomes of these zamindars? I suggest that this Government has been pursuing a policy of winning the alliance of these zamindars by giving them this great bounty at the cost of the peasants.

Sir, the Taxation Inquiry Committee as well as the Statutory Commission have drawn pointed attention to the danger of having to depend to such a great extent upon these indirect taxes alone for the revenues of the Central Government. The Central Government itself is conscious of the fact that because of its reliance upon the indirect taxes alone—the taxes which are to be paid by the masses,—they have been faced with these growing deficits for the last three years. I do not know whether my Honourable friend, the Finance Member, is going to present a surplus Budget this year, but anyhow we have been suffering for the last so many years because we have been depending upon these indirect taxes for the major portion of our revenues for the Central Government.

Then, again, you look into the growth of the income-tax in the last three or four years and the corresponding and relative growth of the indirect taxes and the revenue derived therefrom during the same period. You will find that the total income of the Government of India from income-tax has been going down, while the total income from indirect taxes has been raised. This is a fact which the Finance Member cannot deny. He has not been able to impose any higher burdens upon the income-tax paying people, while he has been imposing more and more burdens upon the ordinary masses, the peasants and the workers. Who pays these import duties? There are import duties which are being paid by the masses and there are import duties which are paid by the higher classes. I suggest again that the richer classes are not being sufficiently taxed as they ought to be on all those commodities that they consume and that they are importing into this country. For instance, I would suggest that on motor cars and such other luxuries there should be more and more taxes raised. Then, death duties ought to be raised and super-tax also should be raised, but, on the other hand, they would not like to do that, and they would rather like to try to pinch the lower and middle classes. Sir, they heavily tax many of their own officers and others who derive a little more than a thousand rupees per annum. It is from these people that they would like to derive their income of a crore or ninety lakhs and odd. The Government know they need not be afraid of them; these classes are too timid to join the Civil Disobedience Movement or such other movement, to protest vigorously, to carry on a press propaganda, like, for instance, the European and Indian capitalists who have been carrying on their own propaganda for the last four or five years.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already spoken for fifteen minutes.

Pro. N. G. Ranga: I will conclude now, Sir. I, therefore, suggest, Sir, for the consideration of this House and also for the consideration of the Honourable the Finance Member, that since he is going to have an excellent opportunity of giving effect to the views of this House in the next Budget, that he is going to introduce into this House, he should not be very squeamish about the claims of the richer classes, about the claims of all those who manage to be vociferous and who are capable of making their voices felt upon the Treasury Benches, and I hope and trust that he will be duly mindful of the difficulties and tribulations of the poorer classes of this country, and that he will try so to work the engine of taxation as to safeguard the poorer classes from all the sufferings and troubles they are now obliged to go through because of the economic depression, as well as because of the present too over-costly system of administration and of the too-heavy burden of taxation, Central as well as Provincial.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That at the end of the Resolution, the following be added:

'with a view to so redistribute the incidence of taxation as to lower its burden upon the poorer classes of this country'."

Mr. Ananthasayanam Ayyangar has also an amendment.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move the following amendment:

"That at the end of the Resolution, the following be added:

'particularly, with respect to the assessment of income-tax on incomes below Rs. 2,000, and the excise duties on matches and sugar'."

Sir, with the leave of the House I would like to add:

"That a Committee be appointed of the Members of this House, aided by experts, to investigate into this matter and revise the taxation policy."

The Honourable Sir James Grigg (Finance Member): The Honourable Member seems to be moving an amendment, Sir, which is not on the paper as far as I can see. There is no "Committee of experts" so far as I know in any of the amendments.

Mr. M. Ananthasayanam Ayyangar: Then, I shall proceed with my amendment as it stands.

Now, Sir, since the Taxation Enquiry Committee Report of 1926, the economic conditions in this country have considerably changed; owing to the economic depression, prices have gone down and the purchasing power of the people has also gone down. Agriculture is not paying in the case of many articles of agricultural production. In fact, the bare cost of cultivation is also not realized. The capacity for starting new industries is very low. But, all the same, the taxes which have to be endured are heavy, and on the whole they are very burdensome to the people at large.

The rents were fixed when the prices of agricultural products were very high, that is, in the years 1915 and 1918, but they continue to be collected at the same rates unabated. The actual cost of the cultivation has not been taken into account and there has been no inquiry even with respect to the general cost of cultivation of crops. With respect no doubt to such crops as sugar-cane and cotton, the Agricultural Research Committee has made a report, but it is necessary that a similar research should be made and extended with respect to the other crops, and, in the light of such research, a scheme of taxation ought to be devised. The incidence of taxation on the agricultural community is high, but the lot of the poorer middle class people is not less hard as the taxation falling upon such middle class people is also heavy. I refer to the lot of clerks and others drawing between Rs. 80 and Rs. 160 a month, the Government and other subordinates, the poor, petty shop-keeper and the trading class. These are the poorer middle classes. The latter have, on account of the rise in prices some years ago, increased their standard of living, but suddenly they have to reduce their standard of living abnormally, even by half owing to reduced profits. And such people are now taxed by reducing the minimum from Rs. 2,000 to Rs. 1,000.

Sir, the Honourable the Finance Member, in introducing the Finance Bill for the year 1931, said that the minimum was lowered as an emergency measure, but in spite of the fact, Sir, that year after year complaints have repeatedly been made on the floor of this House to raise the minimum, that minimum has not been increased. I submit for the consideration of this House that it is only after many years of service that a clerk, say, with a big family, rises in his grade and gets Rs. 80 and above, and as regards the petty merchant, it is only in dribblets that he receives his income which may ultimately rise to Rs. 1,000 or Rs. 2,000 at the end of the year, and there are many cases where such a man has to borrow even for the payment of income-tax. The fact of the continual drain of gold from this country abroad is ample proof of that so that in many cases such persons on account of inability to pay taxes have been obliged to sell their gold. Under those circumstances, I would submit that it is impossible now-a-days to keep up to the same standard of life in the case of persons who earn modest salaries or make an income between Rs. 1,000 and Rs. 2,000. It is absolutely necessary for us all to consider as to whether the minimum should not be increased from Rs. 1,000 to Rs. 2,000. Sir, this suggestion is not an abnormal or improper suggestion. I would request this House to note and remember that a similar provision is made in the English Statutes. There the exemptible minimum is £130. Even if a person receives £700 per year, the exemption in respect of the £130 is allowed. Further, allowances are made for wife and children and such allowances in fact are increased according to the number of children that a man has and allowances are made for other relatives also who have to be maintained in a particular house. Now it is proverbial, Sir, that a joint Hindu family entails a lot of expenditure; there are a number of members of such family who have to be maintained by one man who alone earns a living and that such a man has to maintain the whole family the members of which is large. Younger brothers have to be maintained, and educated, sisters have to be married, widowed relations have to be maintained, with their issues. Under these circumstances, the lot of a man earning between Rs. 80 and Rs. 160 is very hard and the margin, if any, of saving, is very very

[Mr. M. Ananthasayanam Ayyangar.]

small. This being the case, Sir, is it too much to expect that that minimum at least should be exempted from taxation? Further, there is a graded system of taxation in England. I would, therefore, suggest that, with respect to incomes below Rs. 2,000 at least, the policy of taxation should be revised. Then with regard to the amendment regarding the excise on matches and sugar, I would submit for the consideration of this House that the excise duty that is imposed neither saves the industries concerned nor saves the consumer. Even now we are having large quantities of sugar imported into this country from foreign countries. Thus, for the eight months ending with November, 1934, we find that 164,700 tons have been imported of the value of Rs. 1,57,07,034. I would submit for the consideration of this House as to whether the excise duty should not be withdrawn until we drive out from this country every particle of foreign sugar that is being imported. Further, it is not helpful to reduce the price of sugar that is sold in this country. Proper steps have to be taken by the Government for fixing fair prices for the sale of sugar in this country. That alone will be useful. The excise duty now stands in the way of selling sugar at a cheap price. Sir, match production is also an equally important industry and the excise duty on matches has contributed to the influx or import of large quantities of foreign matches into this country. During the last eight months ending with November, 1934, matches to the extent of 29,000 gross have been imported into this country from Sweden, Japan and other countries in the world. I would submit, that if the excise duty is removed, the local match industry would certainly capture the market in India. Further, this excise duty, in my opinion, is interfering with the cottage industries in matches and sugar. I, therefore, submit that the excise duty on matches and sugar should be removed and the policy regarding the income-tax on incomes below Rs. 2,000 should also be revised.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That at the end of the Resolution, the following be added:

"particularly, with respect to the assessment of income-tax on incomes below Rs. 2,000, and the excise duties on matches and sugar."

Mr. N. R. Mukerje (Bengal: Nominated Official): Mr. President, so far as I can remember the speech of the Honourable the Mover of the Resolution, he wants, firstly, to have the export duty revised, secondly, to have the income-tax principle, as he calls it, revised, thirdly, to have the protective duties revised, and, fourthly, that there should be an import duty on all foreign goods.

About the export duty, his idea was that because certain exports of certain goods have been falling of late, it was a proof positive that the export duty was bad, and, therefore, it should be given up altogether. Sir, we must remember that we cannot think of any community apart from the State. The good of the community and that of the State are so interdependent that we can never think of them separately. Administration requires money—which has to be found for the good of the State and these duties are necessary. If we have to find out the cause as to why the export of a certain commodity has fallen down of late, we have first to see whether the commodity, which we wanted to export, was a surplus

commodity and was not required in the country for local consumption, whether there was any demand for that commodity in the foreign countries and whether it was due to the export duty imposed on that commodity that its price became so high in the foreign markets that it failed to compete with goods of similar description from other countries. Unless we do that we are not in a position to say that because a particular export failed or went down, it was due to the export duty. So far we have no figures before us to show why the export of particular goods has fallen and why the prices of certain commodities have gone down.

Coming to the income-tax, the Honourable the Mover of the Resolution wanted to have it revised, but, so far as I can remember his speech, there was nothing there to show on what lines he wants this to be revised. One thing that I could gather from his speech was that because the collection by the Income-tax Department did not come up to the calculation or expectations of the Member in charge of it, the income-tax principle was wrong. Well, Sir, anyone who has any idea of the collection of income-tax ought to know that that is not the correct inference to make. We must remember that the assesseees of the Income-tax Department are not always people with a fixed income like the Government officers with fixed salaries which are taxed at the source. There are such persons as private individuals, private business-men, limited companies and firms about whose income the Department has to depend on the returns they submit and the account they maintain. We have heard of a story that a man applied for the post of an accountant and he was asked whether he knew what double entry was. He replied: "Well, Sir, in the last post I held I kept thruple entries—one for my master, the Company, the other for the auditors and the income-tax-walas and the third for the debtors from whom we collected our own dues." Such often is the case. It is a fact, Sir, that human nature is such that we think more of the personal than of the impersonal. A school boy who would never think of stealing a top of his playmate will probably be the first to raid the orchard next door for the pleasure of plucking the fruits there. . . .

An Honourable Member: These are only stories.

Mr. N. R. Mukerje: These are facts, if my friend recalls his school days. A gentleman who will never think of cheating a man, in the sense of depriving him of his just dues, will have no qualms of conscience to forget a particular item of his income or miscalculation on the right side,—I mean his profitable side, the sum total of his income. The difficulty in this world is that we always refuse to pay anything unless we have an immediate return for it. Which person, may I ask, will have any hesitation, provided he has got funds, to purchase a Rolls Royce car for Rs. 50,000 instead of being satisfied with a Ford car which is equally as useful? The moment he puts down his Rs. 50,000, he gets his Rolls Royce car. But, unfortunately, in the case of the income-tax he does not get anything in return straight on his hands. One of the Movers of the amendments on the opposite Bench—I am sorry I did not catch his name—said that he wanted the people with an income of Rs. 2,000 to be exempted. Sir, no matter how low we make the rate and no matter whom we exempt, so long as we have got to pay, it will be objected to. This is not, however, the case where you get the return straight down for what you pay. As regards the exemption of people whose income is below Rs. 2,000, we have to take into consideration the necessities of the

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State. For the sake of administration, to make it work, this income-tax is necessary. If you exempt a certain class of people, you will find that you have to make up the total money required in any case which will mean an increase in the rate for others. The result will be that other people will have to pay more than they are paying now. One may very much feel for the poor people whose income is less and one may feel very less for the rich man, because his income is very much more, but we must remember that with the increase of income we have also an increase in the expenditure. I know of a man who rose from the position of a clerk on Rs. 40 to that of an officer on Rs. 3,000 and yet found himself equally poor, for with the rise in the income his expenses also went up. . . .

Mr. Ghansham Singh Gupta: Is that an argument to reduce the pay to the minimum?

Mr. N. R. Mukerje: Sir, when I say that with the increase of the income a man's expenditure also increases, my friend wants the income to be cut down! Sir, one thing is very peculiar in this world. Our expenditure increases by leaps and bounds, but our wants do not decrease in the same proportion. Once we have got into the habit of living well, it becomes very hard for us to live cheaply. Apart from that, and coming back again to the question of the income-tax, it is very fallacious to say, as it is difficult to agree with my friend who moved the Resolution, that because the income-tax actually collected was not up to the mark or up to the expectation of the Member in charge, the income-tax principle was wrong.

Coming to the next point about the protective duty, I am not sure exactly what my Honourable friend meant by protective duty, but closely following that he spoke of raising the price of agricultural produce. First of all I cannot make out how Government can raise the price of agricultural produce or, for the matter of it, raise the price of any commodity? The market price of all commodities must depend upon trade conditions and the relative price of other commodities. You cannot inflate the price by artificial means unless you wish to put a duty on that, which I am sure my Honourable friend never contemplated. Sir, by the expression, to raise the prices of agricultural produce, I think, he meant the prices of food stuffs; but, Sir, that will never be an unmixed blessing. If the price of foodstuffs is raised by any artificial means, the first danger would be that the producer will rush out to sell everything he has got because he would get a higher price; but, in the end, he will have to go back to the market to purchase the necessities of his life and that at a far higher price than that at which he sold them, because the man who purchased them of him must have his own profit when selling the same. There are the potters who have to purchase their foodstuffs; they will raise the price of their pottery to find the money for their purchases. Similarly, the barber will raise his fees because he has to purchase the necessities for his life, similarly, also the cloth merchant will raise the price of his cloth and this process will go on down to the hewers of wood who will have to raise the price of fuel because they have to purchase their necessities of life. It would be thus equally necessary for all other people to raise the price of their produce and their wages along with the raising of the price of the agricultural produce. The agriculturist, even if his agricultural produce has risen in price, will have to pay

more for his pottery because he cannot eat his rice unboiled; he will require fuel for his kitchen, he will require the services of the barber and will require cloth, and all these people, as I said, will raise the price of their services and produce. So, Sir, for a few annas of profit, made by the sale of his agricultural products, he will be involving himself in manifold difficulties in paying for the bare necessities of his life. Therefore, the question of raising the price of agricultural produce does not hold water.

We now come to the other point, namely, imposing a duty on imported foreign goods. No nation can get on without the benefit of goods from other countries. When we think of our own goods, our own foodstuffs, we have also to think of foreign goods. There are foreign goods which we cannot but welcome into this country, at least for some time yet to come. For instance, we require medical and surgical things, petrol and instruments for constructing machineries. We cannot do without machineries. Just now we are not self-sufficient in these lines. All these things have to come from foreign countries. If we tax foreign goods then, as has just been said by an Honourable Member on the other side, we will be taxing the consumers in this country, for if we put an import duty, the articles will be sold at a higher price and the consumer will have to bear the burden. Then, again, we cannot levy such a heavy import duty so as to throttle a particular foreign industry. We must remember that if India should do away with export duty in order to afford facility for our goods being exported to foreign lands, then those countries, to which we export our goods, will retaliate and levy equally heavy import duties on our goods sent to those countries. The whole thing works like a clock, which is composed of various wheels. We take out one wheel and the whole clock stops. We cannot think of our own benefit without thinking of the benefit to others. As it is, I have been speaking about the removal of the export duty as proposed by the Honourable the Mover of the Resolution. What does that mean? That means we want to send out our things to other countries. Am I to understand that the foreigners are all fools and that we alone are wise in this world? We must remember that there is such a thing as retaliation. Therefore, to say in one general sweep, that we must put an import duty so as to throttle foreign goods, to the benefit of our own country, is an absurdity, it is not practical politics. It is not economic in the long run. Thinking of taxing the other man will in the end be taxing our ourselves.

Then, Sir, my Honourable friend, Sardar Mangal Singh, moved an amendment that the revenue policy should be based on income-tax. We all know that revenue is always calculated on the productive power of the land. It is never put down in a haphazard way. The produce of the land is actually reaped, threshed and sold in the market and then the exact productive power of the land is worked out. A margin is allowed for the variations in the market, the cost of production, the cost of seeds, and so on, and then the rent is fixed which is always on the productive power of the land. My Honourable friend wants that the land revenue should be on the principle of income-tax, which means it will be according to the loss or profit of the individual, and that is exactly what he suggested. But my Honourable friend, when he suggested this, overlooked one great fallacy; and it is this. Suppose two lands of the same class with the same productive power are in the possession of two different cultivators, one lazy and the other an honest hardworking cultivator.

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will it be a fair and just valuation if for the same kind of land with the same productive power one man is taxed less than the other because one man is careless, and, therefore, must be given the benefit of paying less for the same kind of land as the other man holds? Then again there are people who have got a few dependants and there are others who have got large number of dependants, the expense of the former is much less than that of the latter. If all these things have to be taken into account, and that possibly at every change in the tenancy, it will be impossible for the department to raise any income, because the cost of collection will out-weigh the actual collection.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Mr. N. R. Mukerje: I think it is not at all a practical policy to say that land revenue should be based on the principles of income-tax. So far as I can see, I do not think this proposal will be at all a practical one. If we want to improve the system of taxation, we can do it by discussing the rates and other things with the Department concerned, but to make a general sweeping proposal that the whole policy should be revised without indicating exactly as to how it can be revised, is, to say the least, not at all practical.

Mr. M. S. Aney (Berar Representative): Sir, I desire to invite the attention of the House to one or two important points in the taxation policy of the Government which, to my mind, constitute the gravest defect from a constitutional point of view. The taxes which are imposed are generally classified into two ways, direct and indirect. I am particularly trying to explain the method by which a great many indirect taxes are imposed. Honourable Members of this House are, I believe, generally aware of the fact that a considerable proportion of the revenues raised in this country, for the Central as well as the Provincial Governments, is raised indirectly and only a small portion of the revenue is raised by direct taxation. So, whenever we are considering the question and the principles of the policy of taxation, we must not allow these indirect taxes that are imposed and by means of which a considerable revenue is raised to go unnoticed and untouched in the discussion. As regards these indirect taxes, the general position is this. These taxes are generally levied not by the legislatures but by certain executive authorities under the rule-making powers. In fact, in the imposition of those taxes, the general principle, which is recognised as one of the essential principles of a democratic system of Government, namely, no taxation without representation, is altogether ignored. I may just give one or two illustrations to explain my point. Take, for instance, the Court-fees Act. That is an Act of the Central Legislature, and, therefore, I am taking that illustration. In that Act, there is a Schedule which is adopted by the Legislature. That Schedule lays down certain fees to be recovered for filing petitions and filing suits, and so on, and so forth. Yet, at the same time, there is a clause in that Act which empowers the Local Government to frame rules, and under that rule-making power all sorts of fees in the name of various processes and other things are prescribed. In fixing those fees, the Local Government never approaches the Legislature. That is a power which is given to the

Local Government and the Local Government does it in consultation with the High Courts or the Judicial Commissioners' Courts. Take another Act, for example, the Forest Act. We have laid down certain principles under the Forest Act, but as regards the whole revenue that is raised by the Forest Department, the Chief Conservators, who are in charge of the forests in the different Provinces, are solely responsible for prescribing the fees, charges and dues,—that is the language used in describing these non-legislative taxes,—and a large amount of revenue is raised. At no stage it is thought necessary to put those rules before the Legislatures of those Provinces.

Mr. A. J. Raisman (Government of India: Nominated Official): May I interrupt the Honourable Member for a moment? He is talking about indirect taxes which are entirely provincial sources of revenue. The main indirect taxation of the Central scheme is customs duties every one of which is voted by this House.

Mr. M. S. Aney: I am aware of what my Honourable friend has just said. I admit that indirect taxes themselves are of two kinds. I am aware of the fact that the customs duties come up here for our vote. But there are others which do not come up for the vote. I am referring to the latter. I have already said that all these taxes are levied under the Acts passed by the Central Legislature. These are the powers conferred by the Central Legislature upon Provincial Governments and the Provincial Governments are realising these taxes in pursuance of the powers conferred by this Legislature. And, therefore, when we are considering the question of revising the taxation policy, we must go into the very policy which is laid down by this Legislature and which the Provincial Governments are following. I am, therefore, entirely in order in raising a discussion on taxes which are raised by the Provincial Governments under the rule-making powers conferred by this Legislature upon them. This Legislature has got a right to modify those Acts and change them and alter the policy which is laid down therein. Although I concede that there are certain indirect taxes which come up for vote in this House, particularly those which form the bulk of the revenues of the Central Government, I justifiably maintain that there are also certain other taxes which are permitted by the Central Legislature to be levied in that indirect way, and they also constitute the bulk of the revenues on which the Government of this country is run. If we are going to revise the entire taxation policy in this country, comprising as it does the revenues raised in the provinces as well as in the Central Government, I am, Sir, entirely in order and I am perfectly justified in drawing attention to this fact that a considerable amount of revenue is being raised without the popular representatives being ever consulted on that point. This is, in my opinion, one of the gravest constitutional defects of the present taxation policy. The general principle, as I have stated, was that there shall be no taxation without representation. Here, at least, I have categorically referred to certain cases, and, I am sure, that these cases can be multiplied, as this rule-making power is given under almost every important Act and under this power some kind of provision is already made to enable the authorities to impose duties or cesses or charges and so on.

Sir, in revising this taxation policy, I want this House also to take note of this fact that, as far as possible, this system of allowing revenues

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to be raised indirectly without consulting the Legislatures of the Provinces or the Central Legislature must be done away with. It may be said, how can we manage to bring it about? I think that it can be managed very easily. Even if the rule-making power is there, it may be laid down that no rules will become laws or shall have the force of laws unless they are formally laid on the table of the provincial Legislature and an opportunity given to the members of that Legislature to move amendments or pass their opinion upon those rules. Some such thing can be done. It was mainly for this reason that I wanted to intervene in this debate, because, I think, it was a very important point in connection with the present taxation policy of the Government.

There is also another point which I wish to touch upon. As regards income-tax, it is well known that agricultural income is generally exempted from the operation of that Act. Most of those who live on the land and grow cotton are fully aware of what I am going to say, but there may be many Members who are not probably aware of the procedure which I am just mentioning. If I grow cotton in my field and sell it in the market and get the value of it, that income is not taxed. But, if in order to get a better price for that cotton, I go and get it ginned and sell it in the market, immediately that ginned cotton becomes a commodity on the income of which the Income-tax Department claims the right of assessing the tax. It ceases to be an agricultural produce because I wanted to have it cleaned and sold it in order to have a better price. This difficulty was duly noticed by the Central Cotton Committee, and I am told, of course I have not read it myself but I am reliably informed,—that the Central Cotton Committee brought that fact to the notice of the Central Government also in order that they should revise the income-tax policy in such a way as to exempt, as an agricultural produce, not merely the raw cotton, but also the ginned cotton of a *bona fide* agriculturist, who is not engaging in the cotton business or cotton trade but simply selling his own commodity in a more refined form, from the operation of the Income-tax Act. Up to this time no steps have been taken and I do not know what the Honourable the Finance Member has to say on that point later on, but I want to bring the fact to his notice also as it is an important point which he may very well take into consideration. If the policy of Government is, that the Indian agriculturist should get the full value of his produce, Government must give him all the facilities, and I believe that those facilities shall certainly include his right to take recourse to and make use of those processes by which he can make his article better and more saleable. That must be allowed as one of the necessary parts of the agricultural operations in order that the agriculturist may get the proper value of his commodity.

Then, I wish to turn to one other point which my Honourable friend there has just touched upon in discussing the question of land revenue. He referred to the amendment of my Honourable friend, Sardar Mangal Singh, and tried to show that there was a great deal of confusion in the ideas of those persons who wish this policy of land revenue to be revised and he seemed to think that the very idea is absurd. Now I want to explain to the House what exactly is meant by those who urge the reform of the present land revenue policy. What my Honourable friend, Sardar

Mangal Singh, and many others who are of the same opinion want to emphasise is that the present policy of assessment which is based upon certain principles does not try to ascertain what is the exact economic profit to the cultivator. The Government, no doubt, tries to know the price of the produce and the average productivity of the land, and knowing the productivity of the land what they do is this. They say that certain quantity of grain is the average yield and multiply it by the average price which they arrive at by taking the price level of the commodity for a period of 20 or 25 years. That is the way in which they go; and on the basis of the average they calculate the value of the produce. They take that value and also make certain deductions for necessary expenses which they think have to be taken into account. After that they come to what they consider to be the landlord's rent and on the basis of that rent they fix the revenue of the land for a certain period. What we want them to do is to modify this method. What do we do for the sake of finding out the income of a particular factory or of a particular business? You take into account the capital sunk by the man and the annual interest accruing thereon, and you also take into account the capital expenditure and the periodic and the current expenditures both. You also take into account the depreciation costs of the various things and then after making all these deductions come to a certain ratio of profit which is known as the economic profit of that business, and on the basis of that profit you assess the income-tax. We also want the Government, in assessing a particular piece of land, to take into account the various expenses, periodical and current, which the agriculturist has to incur. For example, supposing he requires a pair of bullocks, you must find out the longevity of the pair ordinarily: you must have some standard as you have in the case of railways where you say that the life of a certain thing is so many years and you take that into account and you have a regular depreciation fund by which you know every year how much you are losing. Similarly in assessing the net income of a piece of land you must know that a pair of bullocks is required and you must know what is the normal life of a pair of bullocks to give efficient service: you must divide the value of that pair by the number of years you take as their life, add that as an annual expenditure by way of depreciation, and, in that way, you have to take into account some 20 items if not more. If you take all that into consideration and make the necessary deductions from the gross produce, you will be able to find that the economic profit from the land is much less than what the Settlement Officer has been pleased to fix for the purpose of his assessment. The present land revenue would have to be reduced not by half but possibly even by three-fourths. According to my calculation it is a losing proposition and not a proposition of profit at all. I am prepared to argue with any expert of the land revenue department here or any one who may think himself an expert: I am prepared to discuss with him across the table if there is sufficient time: and I can show him that if you take all these items into consideration, the present land revenue is not one which the Government are getting out of any profits of cultivation but out of the vital necessities of the cultivator. He is paying the dues by denying himself the right of what he is entitled to get as a mere worker and labourer in the field: his wages are never calculated if he himself happens to be a cultivator. All these things have to be taken into consideration before one can arrive at an economic profit; and it is only when you do so then you can be said to assess the land revenue on the principle on which income-tax is levied: whether the Government are

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really following those principles in the imposition of income-tax or not I am not discussing at present: but it is assured that they are proceeding on those principles and I want the Government to apply those very processes and principles strictly and honestly in assessing the land revenue. If my Honourable friend over there has carefully followed me, I think he will not come to the conclusion that the amendment which my Honourable friend, Sardar Mangal Singh, has moved is absurd or something unthinkable.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): May I inform the Honourable Member that all these things are taken into full consideration by the Assessment Officer and the Commissioner and the Financial Commissioner if you will kindly read the settlement books?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue by way of interruption.

Mr. M. S. Aney: I can only assure my Honourable friend there that I am not speaking without having studied those books. I have discussed these points with the Settlement Officers of my Provincial Government, and I believe that I have convinced at least some of the Settlement Officers there that they have yet to understand a good deal of these things. However, I am not here to indulge in strong language: my only object is this: there is a point which the Government can very well take into consideration in considering this question of land revenue. These are the main points which I wanted to invite the attention of the House to, and, I believe, the House will see that there is something very important in connection with this Resolution and that the Government will give due consideration to the various points which have been raised in this debate.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, this Resolution demands a revision of the taxation policy of the Government. To this there are added two amendments—one is that the land revenue policy is to be revised on the basis of income-tax, and other is that the burden of taxation should be transferred from the poor to the rich . . .

Mr. President (The Honourable Sir Abdur Rahim): Land revenue policy must be confined to the Centrally Administered Areas: the amendment does not cover the provinces.

Pandit Nilakantha Das: But it can be brought in as illustration. This is a long standing question. In 1924, this House demanded an economic inquiry committee, and the idea was to revise the policy of taxation by the Government after the economic condition of the people had been properly ascertained. But, instead of an economic inquiry, we got a taxation inquiry, and the committee, under their terms of reference, could not enter into the basis of the thing, i.e., the economic condition of the people. Still, as far as they could, they considered the policy of taxation, and proposed some measures, superficial though they were. Some of those measures, nevertheless, were desirable, so far as they went.

As to this land revenue, I deplore, in the first instance, the history of land assessment in this land. Some Honourable Members have said that land revenue is a direct tax. It is neither a tax, nor, perhaps, direct. Rent is not a tax, properly so called. It may appear direct. But I do not consider that it is entirely so: nor if we look to the spirit of the Taxation Inquiry Committee's Report, have they considered it a direct tax. In the eastern provinces of India, the history of the land revenue is rather very painful. There was a time when land revenue was being farmed out and all sorts of *abwabs* or illegal taxes were levied. Everything that the man who had made the highest bid could realise, he realised from the tenants, and he gave a certain fixed amount . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair would remind the Honourable Member that he must confine himself to the question of assessment in the Centrally Administered Areas: only by way of illustration can he refer to other cases.

Pandit Nilakantha Das: My point is that it is not entirely a direct tax, and, to that extent, it has a bearing on the question of the entire taxation policy. I am not speaking anything about the revision of the Bengal land revenue system or the Orissa system. I simply say that it is not entirely a direct tax: it is not being assessed and taken by the Government from the ryot, and, therefore, it is not completely a direct tax. The ryot pays many things more than the Government demand. Whatever that may be, they proposed in the Taxation Inquiry Committee's Report that some flat rate should be assessed on the annual value of the land. It is not, as Mr. Mukerje said, that it should be taxing the immorality or the laziness of the cultivator . . .

Mr. N. R. Mukerje: Sir, I did not pry into the morality of anyone.

Pandit Nilakantha Das: Exactly this expression he did not use, but this was the purport of what he said, I think. But it does not matter in the least, if he meant that or not. But as my Honourable friend, Mr. Aney, explained, everything in a system must come to a dead average, or normal, and no difficulty will arise if a cultivator is lazy or active. Again, there should be no misapprehension when it is said that the principle of income-tax should be applied to land tax.

By this we mean that uneconomic holdings should be left out of taxation. In levying income-tax, you fix a limit up to, say, Rs. 1,000 or Rs. 2,000 as the minimum taxable income. But the poor man, who has got a small holding and a number of children to support, is being taxed today to the tune of his very stocks and bullocks . . .

Mr. President (The Honourable Sir Abdur Rahim): Does that happen in the Centrally Administered Areas?

Pandit Nilakantha Das: It happens everywhere, it happens even in Ajmer-Merwara; it is the same case everywhere, and, under the present depression, the position has been further accentuated to such an extent that the gross income of a man is not sufficient even to pay the land revenue in many places. Sir, I submit that the policy of taxation should be based on a more reasonable appreciation of the real situation.

[Pandit Nilakantha Das.]

There is always a distinction between direct and indirect taxes. Whether land revenue is a direct tax or whether even income-tax is a direct tax is a separate issue. But direct tax is always definite. It makes the receiver of the tax careful and the giver watchful. In indirect tax, the man does not know how he is taxed. He does not even know that he is taxed at all, and that is particularly so in India, because such direct tax is collected from the consumer and tax-payer indirectly—from the consumer as an additional price of the articles he purchases, and sometimes from the tax-payer to recoup the loss of the State revenue due to high customs. Though even in this case the tax-payer pays it directly, it is a bye-product, so to say, of a policy of indirect taxation. In any case, customs duty is an indirect tax and so also is excise. These taxes are paid by people, and they don't know that they are paying. In India, specially, these people are uneducated and disorganized and though they are paying an utterly unbearable burden of indirect tax today, they are callous and helplessly looking on in their starvation.

In direct tax, again, you can plan some economic advancement of the nation, whereas in indirect tax, you always retard the progress and advancement, and specially in India, this has been a calamity since 1924, that is to say, soon after the Taxation Inquiry Committee recommended some improvements. In 1927, we wanted indirect tax under the garb of protection. It had actually begun in 1924-25, but mildly. Our late illustrious Pandit Motilal Nehru (Cheers from the Congress Party Benches) then remarked in some other connection that it was the thin end of the wedge, but I say that in killing the economic resources of the nation, it was really the thin end of the wedge, and the wedge has been driven deeper and deeper, and the deepest in Ottawa, and today where are we? This is all due to our policy of taxation. What has happened? Almost everywhere we hear, whenever there is a question of indirect tax, it is a protective duty, and over and above that, it is a preferential protection. What has happened? Whenever the question of protection is raised, revenue considerations are brought in. Revenue and protection never go hand in hand in any State. Considerations of State revenues should have nothing whatever to do with protection. Even when I had the honour to appear as a witness before the last Steel Tariff Board, I said that if they wanted to protect some of the products of our industries, they should give bounties, and the nation would be ready to pay the necessary amount by direct tax, the nation would know that they pay for the protection of such and such industries. They then raised the question of State revenue, as if the State coffers were in their charge. I put that question directly then, and there was no reply to it.

Again, Sir, in the last Indo-British Trade Agreement we were discussing, the burden of it was the same, i.e., the revenue considerations of the State. The revenue consideration is there first and last, protection or no protection. Therefore, under this garb of protection, the State wants to make indirect revenue and thereby practically kill the national resources of the country

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got only two minutes more.

Pandit Nilakantha Das: Yes, Sir, I shall conclude now. After we have come to protect our industries; what has happened? Our consumption has fallen and fallen very fast. Now, we cannot get revenue unless we give more and more protection in tariffs. Thus we shall go on till perhaps the end of our national resources.

But the fall in consumption is laid at the door of world trade depression. What does it mean? Is it all due to world depression? India is a sub-continent, and we have got a vast home market. Our rulers have been here for the last 150 years. The protection by tariff is ten years old. But how many new productions have there been in India for the supply of our home markets? There is no expansion of home market, and the consumption of articles from outside is reduced day after day, so much so, that iron and steel which were consumed to the extent of 12,00,000 tons are now sold to the extent only of less than 6,00,000 tons. We say that ten years ago, our country was supplying about 20 per cent. of the iron and steel requirements, but now it is supplying 72 per cent. I don't remember the exact percentage, perhaps it was supplying 30 per cent. and now it is supplying 72 per cent. This percentage does not show that we have developed our industries. It shows that, on account of the heavy protective duties, foreign articles are not purchased in the country. Not only that, Sir, our consumers are not able to purchase their daily necessities, and if we examine our list of protective tariffs,—I have no time now, but I shall take another occasion to show in detail—almost all the articles protected are either necessities of life or means of production, such as oils, yarn, pig iron, iron alloys, etc., etc. Therefore, by putting protective duties we are simply killing the economic resources of the nation day by day, and making the consumer, who is the poorest in the country, unknowingly pay, what he cannot pay.

Sardar Sant Singh (West Punjab: Sikhi): May I know if my Honourable friend is against the policy of discriminating protection?

Pandit Nilakantha Das: I am not, but I am against the policy of protection as such. I am in favour of protection by bounties where necessary. I am against protection by tariff walls. If you discriminate anything for protection by tariff at all, you will have to consider very carefully the implications of the measure so far as it affects the national economy, and hence protection out of money made by direct tax should be the general rule.

Protection by indirect tax, again, creates another difficulty. By this our national sentiment is being exploited, and vested interests rise up in our own country. That is the worst part of it. We ourselves, knowingly and unknowingly, sometimes, are led to support this ruinous policy, the nation-killing policy of protecting our industries by high tariff walls. So, I say that, in our revision of the taxation policy, we should always make it a point that we shall collect our taxes directly from the people, and indirect taxes, if they are to be levied, are to be levied for revenue purposes mostly

Mr. N. M. Joshi (Nominated Non-Official): On luxuries only?

Pandit Nilakantha Das: Yes, mostly on luxuries, as they are done in European countries and not on necessities of life, nor on the means of production. That should be the outlook in our taxation policy, and, as

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to all other details, we have got our Finance Bill and Budgets. We shall discuss them in detail then. Here we are concerned with the main policy, and that is broadly this.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Mr. President, there is bound to be an air of unreality in all that we say or do here, for we are faced with an executive, unresponsive and irresponsible, an executive which is sure of its giant's strength and is always willing and eager to use that strength like a giant. In the course of these debates, we have had three Members of the Executive Council standing up one after another to defy the Legislature. (A Voice: "Shame, shame.") You will remember, Sir, that the Home Member, whose voice is usually low, due no doubt to the relaxing climate of Delhi, spoke in a voice that almost resembled that of his native seas, when, in defying the wishes of the Legislature on the question of the Khudai Khidmatgars, he said almost in these words: "Do what you like, we are responsible to our own convenience and our own comfort. We are not going to do what you want us to do." Then there was the Law Member, Sir, who, at the end of the debate on the Joint Parliamentary Committee's Report, said words amounting to this, namely: "All this is nonsense. We are going to do what we like. We have made up our minds." And, not satisfied with all that, there was another Member, Member for Industries and Labour, who said: "If you decide anything against us, there is another Chamber that will set that right." That was yesterday. I must confess, Sir, I have, in my life never experienced such oppression of mind as I have done during the last three weeks that I have been here. Still, I feel that it is the duty of all of us here not to allow any opportunity to go by when we can say to the Government: "We do not like you. Whatever you do, you do on your own responsibility. You are not going to be allowed to say to the world, as you have been doing so long, that what you do is with the willing consent and the ready co-operation of the Legislatures". So far as this side of the House is concerned, I think that is the one and the only purpose for which we are here. At least I am here for that purpose; and I am sure every person in this House, with the white cap of liberty on his head, is here for that purpose and that purpose alone. (Applause.) In the matter of the policy of taxation and in the matter of anything else that the Government are going to do against the interests of our people, we are going to say: "no".

Sir, what is this policy of taxation? So far as I have been able to make out, with my limited knowledge and my limited vision, the only purpose of the existence of any Government is the welfare and the well-being of the people. But what is the object of this Government? The object of this Government, as has been declared on the floor of this House, as has been declared on the floors of other Legislatures of the land, and by the spokesmen of this Government from platforms outside the Legislatures, the only object of this Government is to protect themselves, and

the next object is to see that every Government servant, from the constable to the Governor General, is kept in the utmost possible ease and comfort. And, according to them, what is the object for which the people exist? It is to pay their taxes without complaining even if they have to sell their household effects for that purpose. The object for which the people exist is that they should suffer all wrongs without protest, because misery, Sir, must always hide its head in silence, as was said by a great French writer, otherwise it becomes sedition; and that when preventible diseases sweep the land, when avoidable famines come over us, they should die in silence and if possible they should utter with their dying lips: "Long Live the Bureaucracy". This is what the people exist for. The Government of this country are not for the people; the people are for the Government; and that is the policy that underlies the existing system of taxation as well. Government ask themselves: "How can we make ourselves strong? How can we keep these people under subjection for ever?" (A Voice: "And fighting among themselves.") And they know from the lessons of history and from their own study of political science that if you want to keep a people down, you have only to tax them heavily. That is what the Government are doing in this country. Tax them so much that they may not be able to raise their heads. (A Voice: "Crush them.") Crush them, as my friend says, in every possible way. And not satisfied with all that they have been doing so far, they have for some time past levied an income-tax on incomes of even one thousand. Sir, if you speak to any person in authority, he says: "What do you need any money for? All the money is needed for us, for our wives and children, for our comfort, for our travelling to and fro between 'home' and India; you do not need any money; so let us have all your money, and we shall see that you live in perpetual peace, the peace of the grave." (Hear, hear.) Do you know, Sir, how these income-taxes are levied? An income-tax gentleman—and they are all gentlemen—goes about the town, sees many petty shops—in Benares, we have a number of panwallas, as you perhaps know—and he says, "Well, your income must be one thousand", and asks his clerk to put him down for one thousand, and put that man down for one thousand and put the other man for one thousand. I am not exaggerating. If any one says: "My income is not one thousand at all", the answer is: "Prove that it is not". Sir, it is not for the income-tax man to prove that this man's income is Rs. 1,000, it is for that man to prove that it is not! And if he produces evidence, the income-tax officer says that that evidence is rubbish.

Major Nawab Ahmad Nawaz Khan: Sir, does the Honourable Member mean to say

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

Mr. Sri Prakasa: And this is so not only in the Income-tax Department; it is so in every Department of the Government. The whole of your system of administration, your system of jails, your system of magistracy, your system of judiciary, is based on this. What are your sections of criminal law which require a man to show cause why he should not be bound over? It should be for the Government to prove that a man deserves to be bound over and not for the poor man himself to prove that he should not be bound over. And, Sir, if you ever find yourself in jail—(Laughter)—that is not a contingency which we can dismiss with

[Mr. Sri Prakasa.]

a laugh, for a most distinguished predecessor of yours, after adorning that Chair, did find himself in jail—you will see there many many innocent men. Most of them are there because they are poor. The only crime is poverty. They have been bound over under section 11 of the Criminal Procedure Code, because they could not show cause to the Magistrate, who had already made up his mind, that they should not be bound over. This sort of thing goes on everywhere, and it seems to me that this Government have declared poverty itself as a crime and will not do anything to relieve that poverty. So far as we on this side of the House are concerned, we are not going to be brow-beaten into acquiescence by the sort of speeches and answers to questions that the Honourable Members opposite give. It may be that the Law Member is thoroughly convinced that we are free-booters of the worst type and pocket all the subscriptions that we are able to collect. It may be that he is quite convinced that he and his brethren work for the country without motor cars, without salaries, without comforts

Mr. President (The Honourable Sir Abdur Rahim): The Chair must tell the Honourable Member that he should really confine himself to the Resolution and the amendment on the order paper.

Mr. Sri Prakasa: May I, with all respect, say, Sir, that it is the policy of taxation that enables the Government to collect taxes from us in order to pay those gentlemen opposite, and, in that policy of taxation included, if I may say so, with all respect, every single pie that this Government waste or spend on themselves or on useless officers that they appoint in large numbers. We say that this country, if it had only more reasonable Government, a Government that was really interested in the people and anxious to help them, could yield more taxation for nation-building purposes. But this Government only raise their taxes to increase their brood, the Bureaucracy. All the objection that we have to taxation is that we do not want our money to be wasted on useless men. If the Budget is examined carefully, it will be seen that three-fourths of that money is wasted. I can quite understand the sinister smiles on the faces of some gentlemen opposite. They say: "We have the power and we are going to do what we like. You may go on swearing till you are blue in the face, but nothing is going to happen to us." I know that in the impudence of power, they know that what they want will be done. But my contention is that the whole policy of taxation should be revised and, along with that, we should have a great scheme for the proper education of the people of every class, so that all may live for each and each for all and none may live wholly for himself. If that policy is adopted, we shall on this side of the House find more money for the Government. But the Government must be prepared to cut their own salaries and to see that there is no income which exceeds, say, at the most a thousand rupees a month. Everyone who is in receipt of an income of more than Rs. 1,000 a month should be asked to pay the excess amount to the Government as a tax and all that money should be spent for purposes of nation-building, for the spread of education, sanitation and the like. But, Sir, what is all the money raised by taxation spent for now? It is spent on the Army and Secret Services and Heaven alone knows on what else. But we want that money for our own people. Therefore, I strongly support the Resolution that has been moved by my

honoured friend, Dr. Ziauddin Ahmad, that the policy of taxation of this Government should be revised from top to toe, and if I were allowed to add a rider to it, I would say that the policy of spending that money should also be revised, so that we may have a Government which are conformable to the wishes of the people and working for the good of that people: not a people existing for the Government but the Government existing for the people.

Dr. F. X. DeSouza (Nominated Non-Official): Mr. President, I often wonder whether the debates in this House on principles of taxation have more than a mere academic value. Admirable principles of taxation and finance are enunciated by Honourable Members, and the Treasury Benches profess lip sympathy with those principles. They ask for a little more light and appoint a Commission of Inquiry which goes round the country for a year or two at the tax-payer's expense and publish a report at the end of a couple of years.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

But by that time everything has been forgotten and the report remains in the pigeon-hole of the Secretariat and nothing further is heard about it and the Government goes on as merrily as ever with its former policy. I am tempted to make these observations by what happened with regard to the Taxation Inquiry Committee of 1926. That Inquiry Committee was initiated by Sir Basil Blackett in consequence of a debate which was conducted in this House, and one of the strongest recommendations of that Committee was contained in the following words:

"The burden of taxation on the poorer classes corrected with reference to the price index has increased owing to the customs duty on articles of universal consumption, especially sugar, cotton goods, matches, machinery and raw materials."

And they recommended an immediate reduction of duty on conventional necessities, such as, sugar, kerosene oil and matches. How has this recommendation which was made in the year 1926 been carried out by the Government? We all know how it has been carried out. During the five years of the regime of the last Finance Member, the policy was not of discriminating protection, but that of indiscriminate protection on everyone of those articles to which exception had been taken by the Taxation Inquiry Committee. It is no exaggeration to say that Sir George Schuster has left a legacy, a *damnosa hereditas*, of 30 crores of rupees in the shape of the additional taxation on the masses of this country. In his last Budget speech he said:

"The soundest way to raise new revenue was to increase the indirect taxation levied on the necessities of life because the mass of the population were evidently well able to bear the slight additions to their expenditure which this would impose."

That is the picture as drawn by the Honourable Sir George Schuster when he was the Finance Member. Now, look at the other picture drawn in the same Budget discussion by my Honourable friend, Sir Leslie Hudson, the leader of the European Group in this Assembly, whom

[Dr. F. X. DeSouza.]

nobody could charge with being a nationalist. Certainly he does not look like one. This is what he said:

"To provide sufficient for their actual needs, the people had to sell such articles as brass utensils and galvanised iron sheeting which had obviously formed part of their household goods and of their houses. There seems to have been two distinct stages in the struggle of the past two years; the first in which all articles of gold and jewellery were converted into cash and the second where articles of lesser value but somewhat in the nature of luxuries, so far as these poor people are concerned, were exchanged for cheaper goods, brass and aluminium vessels being exchanged for earthen ware. The third and what may be considered the final stage before acute distress is visible is now being experienced, where people are obliged to actually break up their houses and to sell the surplus wood and metal, these being the only articles of a marketable value left to them over and above their absolute necessities."

This picture as drawn by my Honourable friend, Sir Leslie Hudson, furnishes a striking contrast to the picture drawn by the spokesman of the Government of India. The latter picture shows such complete detachment from the masses of the population as is only possible in the Himalayan heights of Simla. But we who live and move and have our being in the agricultural villages and are daily in touch with rural opinion in the country, we know that the description given by Sir Leslie Hudson is the correct description of the condition of the masses in this country. In noting the contrast between these two pictures, one is reminded of what happened in the early stages of the great Revolution in France when a surging mob of famished people surrounded the Palace of the Tuileries and when the Queen asked the courtiers why the people were crying outside, the courtiers answered, "Madam, they are asking for bread". Innocently the Queen replied: "If they cannot get bread, why don't they eat cake?". This, Sir, seems to be the attitude of the Government of India (Hear, hear), with regard to the cry of the population. Sir, we are passing through a period of unexampled agricultural depression. The resources of the masses—80 per cent. of the population of this country consist of agricultural masses—are crippled beyond measure. Far from the Government assisting the agricultural population, they look helplessly, placidly on. They allow foreign rice to be dumped into the Madras Presidency to an extent which has never been known before.

The Honourable Sir James Grigg: Would that not put a tax on the poor?

Dr. F. X. DeSouza: I will come to that point later on.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Order, order. No side conversations, please.

Dr. F. X. DeSouza: They look helplessly on. Well, Sir, compare this policy of the Government of India which is not responsible to the people of India with the policy of the national Government in England. What did Mr. Baldwin, the father of what I may call modern protection in a free trade country like England, do? He was keen on safeguarding the British industries and rightly so. How does he get about it? He got about it by placating first the farmer, the landlord, and, above all, his

own constituents, the apple growers of Worcester. I do not want to weary the House and I have no time to describe the various measures which he adopted to benefit his constituents, because he knew that he was responsible to them and if they were displeased, he would have no seat in Parliament. Besides placating the apple growers of Worcester by various methods, he went out of his way to placate the farmers in England and as a compensation for the repeal of the corn laws, he allowed a subsidy of one pound per acre of arable land all over the country to be paid out of the protective duties levied on industries to which he gave protection. (Hear, hear.) That, Sir, is the method which a national Government, responsible to the people of the country, would follow. But our Government goes on bleeding those who are suffering from collapse caused by the unexampled depression. Sir, a policy of this kind will never do, it will never pay. As was pointed out the other day in an extremely interesting letter contributed to the *London Times* by Sir Frederic Sykes, lately the Governor of Bombay, it is necessary before levying heavy protection duties and before imposing indirect taxation on the masses of this country, it is necessary to increase their purchasing power. That should be the condition precedent to all indirect taxation. That should be the condition subject to which all further protective duties could be levied. Even Sir George Schuster, in spite of the gospel he had enunciated in the earlier part of his regime, just before he left, sounded a note of warning to the industrial magnates and manufacturers. He said

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has two minutes more.

Dr. F. X. DeSouza: I will finish soon, Sir. Sir George Schuster warned the industrial leaders that their huge profits were likely to bring upon their heads a general storm of wrath from the people at large. "To make protection stink in the nostrils", that was the expression used by Sir George Schuster, in his last Budget speech and that expression has stuck in my memory. I, therefore, ask the present Finance Member most respectfully but most earnestly, before he levies further protective duties, to take steps to improve the purchasing power of the masses. I have no time to develop that line of argument, but I can merely say that the purchasing power of the masses can be improved on the lines suggested by Sir Frank Noyce yesterday, and, that is, by sanctioning of loans for public utility works throughout the land and thus let money circulate in the hands of people. Whenever protective duties are proposed in future understand that there is already on the tapis a demand by the sugar manufacturers to increase the protection on sugar from 15 annas to s. 10 a cwt. I respectfully ask, if they are inclined to tax sugar any further, they should take measures to see that the Tariff Board goes into the question—for the matter will be referred to the Tariff Board—the Tariff Board should go into the question of internal organisation of the industry so that better management may ensure that there is no waste of the taxpayer's money and the danger of foreign competition is also minimised. That is all I have to say. My last word is that before further adding to the protective duties already imposed, Government should do all in their power to increase the purchasing power of the masses.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Mr. Deputy President, at the outset I take this opportunity of offering you my sincere congratulations on your being elected unopposed to the office of Deputy President. (Applause.) Now, coming to the original motion which reads as follows, namely, "to revise the present taxation policy" so far as I understood from this Resolution, before I listened to the speech of my Honourable friend, Dr. Ziauddin Ahmad, it was that every taxation should be revised or should be distributed in a proportionate way. My time is short and so I cannot develop the full argument on that particular point. But at this stage I want to draw the attention of the House to the learned speech that was delivered by the Leader of the House at the Round Table Conference in connection with the revision and redistribution of the taxation policy; and, in that connection, I can say with confidence that if it is the idea of this Resolution to revise the present taxation policy, I should give my whole-hearted support to it. I want specially to draw the attention of this House to the particular question of jute and income-tax, because my gallant friend, the Leader of the House, fought tooth and nail in the Round Table Conference for the duty on jute to be given entirely to Bengal. I thoroughly agree with that view and also that the income-tax should be given to Bengal. I should be the first man to support this kind of Resolution, but, to my disappointment, I find in the amendments of Sardar Mangal Singh and others which want to assess the land revenue, and that is what inspired me to stand on my legs as one of those who come here as a representative of the poor landlords. (Laughter.) They are poor, because they are in an unfortunate position, they have to serve their country to the best of their ability and they also have to try to please the Government to carry on this inward administration; that is the condition of the unfortunate landlords. In Bengal, I can say with perfect frankness and sincerity that most of the landlords are so much taxed that they are on the verge of debts up to their necks.

Mr. S. Satyamurti: You don't look it! (Laughter.)

Mr. D. K. Lahiri Chaudhury: I can inform my Honourable friend that although I don't wear a Gandhi cap, this *chaddar* of mine is hand-spun and hand-woven. I can say with confidence that generally every landlord pursues a policy of buying country-made things. And I strongly object to the principle of going against protection of national industries which, I think, is the life-blood of this country. If, in the name of this Resolution, efforts are made to stop protection of the national industries, which are in danger of being perished by competition with foreign industries, it will be a suicidal policy. I think every one will object to the raising of taxation to a stage which will bring bankruptcy to the poor masses, and I do not lack in sympathy with those poor people who are so heavily taxed in this country. But, at the same time, I also feel that our national industries should be saved and genuine protection should be given. I may take the example of the sugar industry. On the one hand, you are giving protective duties, and, on the other hand, you are imposing excise duties. That is not a policy of giving protection. If Government want to protect a national industry, they should come with a clean hand and give genuine protection to the industry. They should also revise this taxation policy. I strongly support the point made by Mr. Sri Prakasa about the top-heavy administration and the extravagant expenses of Government. I thoroughly agree with him there.

Mr. R. S. Sarma (Nominated Non-Official): A very useful speech!

Mr. D. K. Lahiri Chaudhury: I think so. It is useful to you who have come here by nomination.

Now, Sir, I want to draw the attention of the House to the speech of my Honourable friend, Prof. Ranga. It is rather painful to me to differ from him. He says that 70 to 80 per cent. of the income derived from the provinces are from land revenue and excise, and by that land revenue they are taxing the poor people. First of all, I should draw the Honourable Member's attention to the fact that land revenue is not paid by the agriculturists. It is paid by the landlords.

Several Honourable Members: From your pockets?

Mr. D. K. Lahiri Chaudhury: Another argument is advanced that agricultural income should be taxed. I entirely agree that the income which is derived by the rich people should be taxed. I am prepared to pay income-tax, and, as a matter of fact, every landlord pays income-tax too.

Several Honourable Members: No, they don't.

Mr. D. K. Lahiri Chaudhury: They pay it in this form that if, on any land, there are huts or bazars and they derive any income out of that, they pay income-tax. If I understand that income derived from land to be agricultural income, then I think we pay tax in the form of cess. Cess is income on the rent and rent is paid by the agricultural people. And to what extent do they pay? I can speak about Bengal which I know better than other people, and I do not know much about other provinces. There the tenant pays cess, not from his income, but from the rent he pays to the landlord, at the most two pice a rupee, whereas the landlord pays from his gross collection to the extent of 30 to 50 per cent. in certain cases including revenue. At the same time, I may say that the condition of the tenants is such that they are even unable to pay this amount of cess out of their income owing to this economic and financial distress. And I take pride in the fact that under the Bengal Tenancy Act, our tenants at least can keep in abeyance three years' rent together which may be mentioned as their assets. I can also say that the landlords are feeding the middle class people to the extent of three crores and a half, if not more. You may ask me how. The landlords pay to the extent of 30 to 50 per cent. of their income as revenue and cess. Then, 30 per cent. they also pay as their collection charges and maintenance costs which feeds these middle class people. And if three crores is the revenue in Bengal, I think three crores at least, if not more, also goes to the pockets of the middle class people. If permanent settlement is wiped out, I think the middle classes will be wiped out, and I believe that the middle class people are the backbone of Indian nationalism. If you want to keep up the spirit of nationalism, you must maintain the middle class people who are the buffer between the agriculturists and the landlords. Now, I will touch upon the question of death duties which was referred to by my Honourable friend, Prof. Ranga. He compared the English landlords with the Indian landlords. But I will ask him whether in England the existing land revenue system exists or not. It is not so and they never pay revenue. Under the feudal system, they never pay revenue. They pay income-tax and death duties. We landlords can say this that if the same system were repeated here in India, every landlord in India will prefer that particular system.

Prof. N. G. Ranga: I can inform my Honourable friend that the landlords in England are more heavily taxed than landlords here in India.

Mr. D. K. Lahiri Chaudhury: I respectfully differ from my Honourable friend's observation, because if you take the *per capita* income in India and in England, you will find that the landlords here contribute the same amount, or probably more, than those in England. We have to pay revenue, we have to pay cess, income-tax and other taxes if possible. I have no time to develop that argument, otherwise, it would have been quite possible for me to give my Honourable friend figures as to the amount of taxes we pay.

Then, one of my Honourable friends was saying something about subscriptions. I can say with all the emphasis at my command that all the charitable institutions in Bengal are mostly run by the charity of these landlords. From one point of view, therefore, it will be suicidal if we revise the taxation in such a way as to do away with the protection of our national industries. Another objection is this: if you look to the interests of the agriculturists, then, certainly, we must adjust our taxes in such a way that the poor agriculturist may not be further taxed. But I say that before we revise taxation, we must, first of all, cut down this top-heavy administration which is ruinous to this country. I would draw attention to an observation made by Mahatma Gandhi when he first negotiated for an agreed solution with the Government in the year 1931: he compared the salaries of Government servants in India with those in England by the ratio of the *per capita* income in both countries, and compared the Premier's pay there with the pay of the Viceroy and Governor General here. The *per capita* income in India is very poor and cannot afford to pay for the costly luxuries of the establishment of the Governor General. From that point of view, the policy of taxation should be revised. But I can never be a party to such revision if it is going to be on a policy of withdrawing the protection given to national industries. With these words, I oppose all the amendments. If the Resolution is moved merely with a view to revising the taxation policy, then I welcome it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, a sound tax-system is the proper basis of a sound system of administration. Considered from that standpoint, Government should welcome the debate on the present Resolution. Two views are held with regard to taxation. The first view is that taxation is a necessary evil, and the second that taxation is a necessary good. Both these views are correct according to circumstances. The first view holds good in a country which is subject to another country, where the people have no control over the expenditure of their revenues, where the resources raised in the country are, in great part, sent out of the country without any equivalent direct return, and where the people have not been educated to understand the interests of the community as a whole. The second view, which I may regard as the enlightened view, prevails in a country which is free, which has full control over the expenditure of its own revenues, where the people are in a flourishing condition, and where the citizens have been educated as to their duties towards the whole community. It is clear that in India taxation is regarded as a necessary evil in the present circumstances, and that is why so much has been said about the enormous burden of the tax-system of the country. Now, everybody who has studied the question with an impartial mind knows that the present level of taxation does press very heavily on the poorer classes of the country. Besides, the amount of expenditure which is incurred is not at all well balanced.

The question of distribution of the burden of taxation is as important as the total amount of taxation in the country. During the early years of British rule in India the tax-system was very partial in its incidence, and it was not till after the Sepoy Mutiny that an income-tax was levied for the first time, and, even then, in the teeth of opposition which came mainly from the European community. Income-tax is regarded as the best of all taxes, because here we can apply the test of ability to pay to the fullest extent. Although in later years the partiality of the tax-system of India became less pronounced, yet it was still very unfair towards the poorer classes of the community. During the last five years, the world-wide economic depression has pressed very heavily on the poorer people of this country. That is why a revision of the tax policy of the Government is demanded.

Now, on what lines should this revision take place? One of my Honourable friends has moved an amendment to the effect that the land revenue policy should be revised. I have full sympathy with the object of this amendment. This question was discussed by the Taxation Inquiry Committee about ten years ago; but unfortunately, while the Committee made various recommendations with regard to a proper distribution of the burden of taxation, they evaded this question, mainly because, I believe, they were frightened by the magnitude of the problem. The total amount of land revenue collected from the whole of India is about 37 crores of rupees. If that part of it which is due to irrigation be excluded, the land revenue would amount to something like 31 or 32 crores of rupees. The question which faced the Taxation Inquiry Committee was how to fill the gap if a different system of land-tax were to be adopted. I admit that the problem is a very difficult one; but even difficult problems have to be solved. The proceeds of land revenue have increased largely since the establishment of the direct administration of the Crown, but the customs revenue has increased even to a much greater extent. The customs revenue which, in the first year of direct British administration, was only a little over a crore of rupees is now 50 crores. As has been pointed out by several Honourable Members, the customs duties press rather heavily upon the poorer sections of the population, because the principle of ability to pay has very little application in the case of this tax. Now, even if we are unable to completely revise the system of land revenue, I think we should adopt certain measures to alleviate the distress of the cultivators. One of these relief measures would be to exclude from the purview of the land revenue those holdings which are uneconomic. It is true that a good many of the holdings are uneconomic, and the collection of land revenue will greatly suffer; but this gap will have to be filled by levying taxes on shoulders other than those of the cultivators, who are better able to bear this burden. During the economic depression which has lasted now for five years, very little has been done by the Government to alleviate the distress of the cultivators, but in all other countries large sums of money have been spent in order to relieve distress and bring about normal conditions. I hope and trust that an enlightened policy will now be followed with regard to the land revenue system, and that the other items of revenue will also be closely examined in order that the distribution of the burden of taxation may not be unfair to the poorer classes of the country.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, the Honourable Member from Allahabad,—I am sorry I don't see him here in his seat now,—

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadian Rural): I am here to reply on his behalf.

Captain Rao Bahadur Chaudhri Lal Chand: He has unnecessarily imported heat into this discussion. He has also introduced politics in this matter

Mr. Mohan Lal Saksena: It is a life and death question for many.

Captain Rao Bahadur Chaudhri Lal Chand: You will see presently that it is equally so for me as well. Sir, there is not an Honourable Member here, on either side, who does not in his heart of hearts wish that taxes should be lightened. There is perfect unanimity on this point. My friend, Mr. Sham Lal, over there, complained to me the other day about the heavy income-tax. My friend, Captain Sher Muhammad Khan, related a similar story and said he was paying land revenue on his land, income-tax on his pension, and yet his house in his village on his own land has also been taxed, and he has to pay a house-tax as well, although, as is usual with him, he did not pay it punctually and so he will have to pay it up with a penalty. (Laughter.)

Now, Sir, I wish to address only one word more to my friend from Allahabad, and it is this, that government has to be carried on and peace has to be maintained

Mr. Mohan Lal Saksena People die unnoticed and uncared for, and yet you say that government has to be carried on.

Captain Rao Bahadur Chaudhri Lal Chand: Yes, that system under which there will be no police, no magistrates and no jails, has yet to be evolved

An Honourable Member: And no Nominated Members. (Laughter.)

Captain Rao Bahadur Chaudhri Lal Chand: Then we will walk to the other side. Now, Sir, my friend complained against action being taken by Government under section 109, Criminal Procedure Code, against certain persons who are rotting in jails. I have also some experience of those people

Mr. M. S. Aney: Do you mean experience of rotting in jails?

Captain Rao Bahadur Chaudhri Lal Chand: Yes, please. If all those people are let loose today, my friend opposite will be in danger as I look upon him as a capitalist.

Sir, the subject is a wide one, and on the general aspect of the question, there seems to be no difference of opinion. If we make an estimate of middle classes, land revenue is generally levied upon people who reside in villages and who are peasant proprietors, whereas income-tax is realised from those who are engaged in trade and commerce, i.e., shopkeepers. Now, my submission is, and as has been so ably pointed out by my friend, Sardar Mangal Singh, over there, there is iniquitous distinction between the two methods of taxation, and if we compare the lot of these two classes, we cannot come to any other conclusion

than that this differential treatment is more favourable to the monied people and the commercial classes and is highly prejudicial to the interests of the agriculturists whom all of us profess to love.

Sir, in the speeches that have been made, I have been trying to find out, if anybody would attempt to define what the taxation policy of the Government of India was. Up to this time, that has not been defined. I have tried to find it out from records, but it has not been laid down anywhere, and from my personal experience, both in the Provincial Council as also here, extending over 20 years, I have caught at one or two principles which underlie this policy. The first principle, to me it seems, is that the paying capacity of an assessee is not generally considered in assessing taxes, and sometimes taxes may be inversely proportional to the paying capacity of the assessee, and, secondly, in realising taxes, coercive measures are generally to be resorted to in the case of the poorer classes, and the rich always escape.

Now, for the purpose of illustrating these two principles, I will take my friend, Sardar Mangal Singh's amendment. There we are comparing the two taxes, viz., income-tax and land revenue.

Firstly, in income-tax there is a minimum limit. At present it is one thousand rupees. If we ask the Honourable the Finance Member why he has exempted people whose income is less than a thousand rupees, his reply will be that "bread and butter" should not be taxed, and this exemption is for bread and butter. Now, income below one thousand has been exempted for the bread and butter of these people. I ask him, in all humility, how much bread and butter is left when assessing the poor agriculturists or the peasant proprietors and small landholders? (Hear, hear.) Here, on every inch of land, land revenue has been assessed and no margin has been left for bread and butter. For this purpose, in the Land Revenue Act, land has been defined as land which is reserved for agricultural purposes or for purposes subservient to agriculture, meaning thereby that land which is occupied by factories and the like is not subject to land revenue. The Honourable Mr. Nilakantha Das said—of course I do not question his wide studies, but I refer to one of his remarks—that land revenue was not a tax. Probably he meant, that it was a rent and that the Crown was the owner of the land and, therefore, we had no cause for complaint. It would mean that the Crown charged the landowners for the occupations and for the use of the land that belonged to the Crown. May I ask him one simple question? When did the Crown sell the lands on which houses and shops in Chandni Chowk of Delhi have been built? There is no land revenue to be charged on them, as land revenue is charged on land which is used for agriculture. Now, I would go further and say, that the profession of agriculture itself has been taxed. Here, for the sake of argument, I would suppose that I possess two acres of land in the suburbs of Delhi. It is *barani* land, and I have to pay two or three rupees every year as land revenue. My income from that land is hardly 50 or 60 rupees at the most. I put up a small brick kiln on the site and the income from that land goes up and I get Rs. 1,999. Suppose the margin is Rs. 2,000 as has been suggested by my friends. Now, the revenue officer comes and says: "You are not using it for agriculture. You are not using it for anything subservient to agriculture. So you are exempt. Then the Income-tax Officer, comes and says: "Let me have a look at your *bahis*". I show him my accounts. He says: "Your income is less than Rs. 2,000.

[Captain Rao Bahadur Chaudhri Lal Chand.]

So you are exempt." At a time when I was earning only Rs. 50 from that land, I had to pay two or three rupees every year but when my income has gone up there is no taxation. This shows that the profession of agriculture has been taxed, and is being taxed and the differentiation between the two, land revenue and income-tax, is iniquitous and unjust.

In the second place, as regards income-tax, there is the graded system of assessment. With poorer people, the rate per rupee is less than in the case of the richer people. The rate goes up as the income increases. That is very fair. But what about the landlords? I possess only five acres and I have to pay eight annas per *bigha* or Rs. 4 per acre. My friend, the Honourable Mr. Chaudhury, who poses as an advocate of the agriculturists, also although he may be otherwise as bad as a moneylender, comes forward. He possesses 500 million acres, yet the rate per acre on which he is assessed is the same. Justice demands that there should be a graded system of assessment as has been suggested by my friend, Sardar Mangal Singh.

Thirdly, in the case of land revenue, we have to pay local rate for local services, for instance, maintenance of hospitals, maintenance of schools, village roads and all that which go to form the income of the District Board.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has only two minutes more.

Captain Rao Bahadur Chaudhri Lal Chand: Yet, in the case of income-tax, no local rate is to be paid by them.

Similarly, in the case of realisation, in the case of income-tax if my arrears are Rs. 200, only movable property to the extent of Rs. 200, and not more, can be attached, whereas, in the other case, the whole of my holding, be it 2,000 acres or 5,000 acres, could be attached and sold for an arrear of Rs. 2. (*An Honourable Member:* "Including grain and cattle?") Yes. (*An Honourable Member:* "Therefore?") Therefore this system of realisation is bad. The Honourable Mr. Mukerje has tried to justify land revenue system by saying: "Well, one farmer is lazy, another farmer is alert, why should we tax the alert more because he makes more income?" Does not the same argument apply to Government servants, shop-keepers and every one else? One man remains a clerk all his life. Another man gets Rs. 5,000 a month.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Agriculturists do not get the full benefit of the bounties we have been paying to the industries. There is a Tariff Board for industries. There is no equivalent thing for agriculturists. I do not grudge that and it is said that it is in the interests of the country. Let us go to one of these factories. What do we find? In the name of Swadeshi, these people have been earning millions and instead of cheapening their goods, they increase the salary of the managers. They add to the number of motor cars in this factory.

Mr. M. Asaf Ali (Delhi: General): That is not true.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exhausted his time limit. The Chair will give him one minute more to conclude his speech.

Captain Rao Bahadur Chaudhri Lal Chand: I know the Honourable the Finance Member has a very sympathetic heart.

An Honourable Member: How do you know?

Captain Rao Bahadur Chaudhri Lal Chand: I would, therefore, request him to compare the lot of the two classes and pay a visit to the villages round about Delhi and then he will know under what conditions those people are living and what margin he is leaving for their bread and butter. If he does that, I hope it will not be easy for him to add to any tax that falls upon the poor villager.

Munshi Iswar Saran (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Mr. President, I shall make only one remark about the observations which have been made by the previous speaker, Captain Lal Chand. I say so in perfect friendliness that he ought to study a little more of politics before he begins talking about how government has to be carried on and how peace and order has to be maintained. He ought to know that what my Honourable friend, Mr. Sri Prakasa, had in mind was the Government of the people by the people and for the people. (Hear, hear.) I shall leave it at that. I suppose my Honourable friend, Captain Lal Chand, for reasons best known to himself, has had to make a remark of that character in regard to a man who happens to have the misfortune of being a Member of the Congress Party.

Now, as far as this question is concerned, I submit to you that the area which is opened up before us is so vast that nobody, howsoever able and well-informed, can hope to do any justice to it within the space of time allowed to a speaker. It is, therefore, necessary to make a few observations of a general character for the enlightenment—I use that word in no offensive sense—of the Honourable the Finance Member and of the Government of India, because it may perhaps be useful for Government to know what attitude this Party is going to adopt in regard to the Budget which is to come up before us shortly. Sir, it is a great mistake to imagine that we are at the moment concerned with the question of land revenue *versus* income-tax, and so on. We are not concerned with all that here. We are concerned with certain broad principles which have to be enunciated and which, we hope, Government will keep in mind at the time of the preparation of the next Budget.

There is another submission which I wish to make and it is this. It is impossible to settle satisfactorily the taxation policy unless and until you consider along with it the policy of expenditure. Both are so intimately connected that you cannot separate the one from the other. Now, there is no doubt, Mr. President, that as long as this enormous expenditure is incurred, among others, for civil administration, and as long as this enormous expenditure is incurred for defence, so long it is impossible, I submit to you with all confidence, for the taxation policy to be either reasonable or to be just. As regards the military expenditure,

[Munshi Iswar Saran.]

I hope the Honourable the Finance Member, if he has had the time to look into past records, must have found that his predecessors fought the Army Department so that that Department might not have all its own way. Now, what is going to happen in the future? The Finance Department of the Government of India, Sir, will have nothing to do with the Army. Even the Army Finance and the Army Accounts Departments will be taken out of the control of the Finance Member of the future. It is not necessary, Mr. President, to go into any facts and figures. It is admitted on all hands that this burden of military expenditure is intolerable and that something has to be done in order to bring it within reasonable limits.

I hope Honourable Members have read the summary of a letter, written by Sir Francis Freemantle, which appeared in the papers today. He wrote that letter to the *Times*. What he says is that the poverty of the masses is unthinkable and that their nutrition is diminishing. In other words, he has corroborated what we have been saying all along, namely, that the condition of the masses is most deplorable and that something has got to be done. Honourable Members opposite talk about revolution, Mr. President! What I submit to you with great respect is that you may or may not have a political revolution, but you will have a revolution of hunger in this country if things go on as they are going on today. (Hear, hear.) There are millions of men, Sir, who literally know what hunger is but who do not know what its satisfaction means.

Now, I entirely agree with my Honourable friend, Professor Ranga, when he says that the real crux of the matter is that the Finance Department of the Government of India should so regulate its taxation that the poor should be very lightly taxed and that, if taxes must be raised, then this burden should fall chiefly on those who are best able to bear it. This is the one point which I shall ask the Honourable the Finance Member with great earnestness to bear in mind,—that the future policy should be such that the poor people, who count not by millions but by billions upon billions, should have enough to eat and should be able to clothe themselves. This is the most important thing. As for differences that there might be in regard to matters of detail, well, they can somehow be settled.

The second thing which I wish to ask the Honourable the Finance Member to bear in mind is that we are not concerned here with the academic discussion of free trade *versus* protection. There is no man here who will not recognize that a very great deal can be said on both sides. But he must remember this. Having regard to the peculiar conditions existing in India today, as far as we on this side of the House are concerned, we are perfectly clear in our own minds that protection is necessary for the infant industries such as there are in this country at the moment. Nothing will induce us to depart from that principle for some time to come. When our industries are in a better condition, when our industries are in such a condition that they can enter into a fair competition with other industries, then there will be time enough to consider the question of free trade *versus* protection.

Then, there is another matter to which I wish to invite the attention of the Honourable the Finance Member and it is this. He should see, that taxes are not levied on those articles which increase the burden on the poor. Now, take one instance, the salt tax. Sir, I have been a

very humble member of the profession of law and I know that arguments can be advanced in support of any proposition and when, combined with knowledge, you have power, you can make white appear black or black appear white. You should not tax such things as salt and kerosene and so on. The tax on these articles serves as a very heavy burden on poor people with meagre incomes or no incomes at all.

In conclusion, I wish to suggest to the House that we have to keep clear of all these matters of detail, important though they are, because we cannot at this stage decide finally what attitude we should adopt as regards land revenue and income-tax, and so on. What we have got to do is to stick fast to one main principle and it is this,—that the taxation policy of Government should be such that the poor people who are suffering indescribably today may have some ray of hope, and their lot may be improved so that they may be able to live the life of human beings. If you do not have such a policy and if you seek shelter behind arguments, then you may have a costly army, you may have a gorgeous system of administration, but the people for whom you profess to work will remain sunk in the very depths of poverty and degradation. (Applause.).

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadian Rural):

Sir, I am not going into this question of the policy which underlies the system of taxation in India, because it is vicious in its origin, and it is going on for decades on the same principle, that is, the people who settle this policy and fix the taxes do not know the country and are not responsible to the people in the least. Under the circumstances, one cannot expect that in fixing taxes this Bureaucracy will consider what class of people will be affected by it in the country. At the same time, they have neither the capacity nor the mind to go into that question. Sir, it is useless, so long as we continue to be dependent as we are, to go into the question of the policy which will guide them. That is certain. Another thing that is equally certain is that extravagance and a liberal policy of taxation cannot go together. In fact, they go ill together. I would like to tell the House that it is no use discussing about the taxation and its policy unless you can stop this extravagance. Everywhere—in these buildings, establishments and the pay of the Government servants, both civil and military, and such other things, you see extravagance in full swing. If they are to spend the money in this way, they must have it. They may have to steal or borrow, but they must have the money. Therefore, our first duty at the time when the Budget will come before us should be to check this extravagance to a certain extent. If we can do it, then we can legitimately ask them that the Government do not require so much money. But the way in which the Government are going on with their expenditure does not hold out any hope that taxation can be lessened in any way. Sir, I am, of course, an old man; I have seen many stages of extravagance in administration in my own life—I am now 63 years of age. I saw a briefless pleader appointed a Munsif on Rs. 150 to begin with. Then, this first appointment was increased to Rs. 200, and now he is working in the grade of Rs. 250 to Rs. 750. The Retrenchment Committee has now brought down his grade to Rs. 600. Then, some of them are made Sessions Judges and my friends have retired from the grade of Rs. 1,600. Sir, the effect of all this has been very injurious to the society. It has created a class of people quite different from the ordinary middle class. They have got

[Mr. Suryya Kumar Som.]

their peculiar culture and they have got their own principles of life. They are a class of people that has sprung up just like the Anglo-Indians. (Laughter.) Of course, I do not mean my Anglo-Indian friends any offence. In fact, I condemn the attitude of my own countrymen more than I do the Anglo-Indians. These Indians have left the villages and have built their houses in big towns. The villages, being abandoned, are coming to ruins. However, that may be, if the Government expenditure goes on increasing, how can you expect that the Government can tax the people sympathetically? Can you expect that? I may tell the Government that the country has come to its last stage of taxation and I do not think it can bear any more of it. If you increase the taxation further, the result will be that you will have to put people in the jail or sell their property, but you will not be able to realise the taxes. Sir, with these observations on the policy of taxation, I confine myself to three instances which have led to the discussion.

Take, for instance, the sugar industry, which is of recent growth in India. Before 1932, when the protective duty was levied on foreign sugar, there were very few mills, and, in 1932, on the recommendation of the Sugar Tariff Board, a high tariff was put on the Java and other foreign sugar. That encouraged the industry to such an extent that you have now over 130 mills in the whole of India. When Government, however, saw that this industry was developing and making some profit, they at once came down on it with an inconsistent proposal of taxation with a view to earning more revenue. Now, I put it to the House, how inconsistent it is that in 1932 you yourself granted Rs. 6-10-6 in the shape of a countervailing duty for the development of the struggling sugar industry and then in 1934 you imposed an excise duty of Rs. 1-2-0 (I am speaking from memory). If you saw that the sugar industry was flourishing beyond all expectation, then you ought to have curtailed the countervailing duty, but that you will not do because the taxation in the shape of excise duty brings more money into your pocket. Sir, I am concerned with some sugar mills, and I am told that if this excise duty is not withdrawn, the sugar industry, which has sunk lakhs and lakhs for each mill—I think it costs more than ten lakhs of rupees to put up a mill

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): The investment on the whole sugar industry is 20 crores of rupees.

Mr. Suryya Kumar Som: I was giving the amount spent on each mill. I have already told you that there are over 130 mills in India and you can multiply this number by the amount which each mill costs—the sugar industry will have to face a great danger. Then, Sir, we find that this excise duty on sugar will not only cause injury to the sugar industry alone, but will indirectly affect the very masses for whom you are so solicitous. These poor people will be affected in this way. To manufacture a maund of sugar, I purchase sugarcane at six annas per maund. Now, in order to pay the excise duty, I will have to save some money in the cost of production keeping in view the competitive price; naturally I will try to pay the sugarcane grower less than six annas unless I am prepared not to make any profit. I tell you that the millowner will maintain his profit, but it will be at the expense of the poor cultivators. Therefore, I appeal to the Government to see that the encouragement which they gave to the sugar industry, two years ago, should be continued

and they should give it at least 15 years more uninterrupted to learn its technique and to be in a position to run the mills in competition with foreign mills by knowing all the technicalities of the trade. After this, when you find that the industry can maintain itself, in spite of paying some excise duty, then you can think of putting some additional tax on it.

Now, about the match industry. The House knows that in Bengal 4 P.M. we have the largest number of small match factories. It was the first in India to begin this industry. Most of these industries have been hit very hard by this duty, in fact so hard that some have gone and many will go into liquidation unless the duty is withdrawn. This match industry is not of very ancient growth, it has developed to a great extent within the last ten years and it has had to fight against competition from Japan and other foreign countries. At a time when it was making its way by and by—the number of match factories increased—when suddenly came this excise duty which, so far as I know, is about 90 per cent. and this has a very bad effect on the match industry. I would appeal to the Government to consider what the right principle of taxation should be. I maintain, Sir, taxation should touch less and less the poor and it should not injure the industry of the country. These are principles, I think must be borne in mind always. If you touch the match and the sugar industry at the present stage, by way of excise duty, I have already pointed out that you are only going to injure the respective industries.

Then, Sir, about income-tax. Of course, it is only the poor people and the middle class who feel the pinch of this income-tax on Rs. 1,000. Honourable Members may well imagine the difficulty of a man with even or eight children and whose income is Rs. 1,000 per annum, having to educate his children and meet all other expenses and also pay the income-tax. I appeal to the Government to give up this taxing of Rs. 1,000 annual income. Income-tax, I admit, Sir, is an equitable tax, but I submit, you should tax a man only after allowing him to meet the necessities of his life. I submit this limit of income-tax should not be less than Rs. 2,000; in fact it should be Rs. 4,000 per annum. But, Sir, as I have already said, unless the Government can control their expenditure, there is no hope of our appeal being heard. In conclusion, I appeal to the Treasury Benches that if they do not see their way to control their expenditure and impose tax on a more equitable principle, they should not forget to consider at least this side of the question and save these poor middle class people from the burden of income-tax.

The Honourable Sir James Grigg: Sir, I have two great difficulties in replying to the debate this afternoon. The first is that the magic date of February 28 is still in the future and that must place a certain limitation upon my tongue, and the second is that a very large part of the debate has been occupied with a subject which, in the main, is a provincial matter. It is perfectly true that the same question arises in the Centrally Administered Areas, but the main part of the debate seems to have been concerned with Land Revenue in its general aspect and not merely in the aspect with which it is concerned in the Province of Coorg and in the Province of Ajmer-Merwara. One speaker, in point of fact, drew the whole of his illustrations in the matter of land revenue from the Province of Madras, but I do not intend to traverse your ruling in the slightest degree, and the very few remarks I wish to make on this subject, and I shall confine myself solely to the Centrally Administered Areas.

Mr. M. S. Aney: May I remind the Honourable Member that the present land revenue system in the Berars is solely the work of the Central Government and not the Local Government.

The Honourable Sir James Grigg: Perhaps I might get this question of land revenue out of the way to start with. An Honourable Member from the Punjab wanted land revenue graduated in accordance with the ability to pay. Personally I doubt whether this will ever be achieved in its entirety or as a matter of practical politics, mainly because in land revenue there must always be a considerable element of rent. I would, however, remind Honourable Members that under the new Constitution it will be within the capacity of those authorities, who are responsible for the administration of land revenue in the Centrally Administered Areas—I hasten to place myself in order—to supplement their land revenue system by a tax on agricultural incomes and it is not for me to say that they will not in course of time decide to lean rather more on the leg of agricultural income-tax and rather less on the leg which is in the nature of a rent charge.

A debate like this must always have a certain air of the academic—unreality, was the word used by an Honourable Member opposite. Some of us on this side—I certainly—felt that his speech did not add very much to the reality with which the debate was invested and it seemed to be merely a political oration which would be much more suited outside than in an academic discussion of taxation. There is, of course, an obvious reason for a debate on taxation at the present time having a certain air of the academic about it and that is because our revenue system is still in the straight waist coat in which it has been placed by a combination of general economic collapse and very high import duties. Any widespread revision of our taxation system must of necessity be in a downward direction, for otherwise there would be no incentive upon any large body of opinion to support it—for the only object of revising a taxation system is to lower its burden. Therefore, at a time when there is very little money to spare for the two reasons I have mentioned, the debate must necessarily have a certain air of unreality. There is another thing which contributes to the academic nature of the discussion and that is that we are on the eve of constitutional changes, in other words, we are at a time when the Provinces are beginning to acquire a certain interest in our Central Revenues and are watching jealously any proposals for diminishing them.

Sir, it would be a convenience, for me at any rate, if I were allowed to deal with the debate under the same heads as the Honourable the Mover of the Resolution dealt with them. His first head was export duties and, as far as I can remember, his general proposition was that all export duties are bad unless they fall upon monopolies. I think that, as a general proposition, is one that we can accept, subject to a word of warning that in this imperfect world no monopolies are absolute and that too high a tax on monopolies may lead to the process of substitution. As regards the existing export duties, I should have thought, again in an academic way, that those on rice and skins were of an uneconomic character. But they yield more than half a crore of revenue and that takes us back to my general point. The yield of the export duty on jute is about 3½ crores and that certainly has become a vested interest for Bengal, Bihar and Assam. And, anyhow, jute is probably one of the most favourable subjects you can have for an export duty.

My Honourable friend, Dr. Ziauddin, then went on to deal with income-tax, and I am bound to say that in some of his assertions there I could not follow him. He said that income-tax was too heavy, which as a general proposition one can accept as true and almost self-evident, and further that the heavy incidence of it was resulting in diminishing returns. Certainly the income-tax ought to be reduced but I doubt very much whether it has reached the stage of diminishing returns. Indeed for a tax on profits the law of diminishing returns operates much later than any other kind of taxation. Usually it does not really begin to operate until the tax-payers feel the burden so intolerable or feel that the system is so unfair that they resort to legal or illegal methods of avoidance. Whether that process is in operation to any serious extent in India is a matter of opinion, and I personally have not yet had time to come to any very concrete conclusions on the matter. But, as I said at the last Simla Session, the Government of India do intend to conduct an exhaustive review of the income-tax system in the not very distant future and certainly the question whether avoidance has been resorted to so as to induce the operation of the law of diminishing returns is one of the things which will have to be very carefully looked at.

The learned Mover then went on to deal with postal rates; and here I am sorry I must part company with him completely. He dealt with postal rates as if they were a tax. Postal rates are certainly not a tax unless they produce a large surplus which is brought into the exchequer for the support of the general revenues. That is certainly not the case with Posts and Telegraphs at the moment. They are still showing a loss; and, therefore, postal rates must, in the present circumstances, be regarded as a payment for services rendered and not as a tax. And the only question at issue there is whether the service is being rendered at the cheapest possible price consistent with efficiency; and that, as Members of the House are very well aware, is a matter to which my Honourable friend on my left has devoted a good deal of his attention for the last few years, and he has, in fact, increased the efficiency and lowered the expenditure of the Posts and Telegraphs Department to a very marked degree.

Then, Sir, we go on to what must be the most controversial part of any debate, academic or otherwise, on taxation, and that is the subject of import duties. I first take protective duties, or rather protection because the learned Doctor did not only confine his attention to protective duties but to quotas and prohibitions. I entirely disagree with him on the subject of prohibitions, for I think that a protective duty is a less objectionable way of following the object which it is sought to secure. After all, the prohibition of imports is very little more than an import duty of an infinite amount, and, quite obviously, the economic loss caused by protection is the higher the higher the duty is put and if the duty is infinite the loss will be very heavy indeed. So that, as I say, I personally prefer protective duties to import prohibitions and quotas. Not that I like even protective duties very much. At the best, protective duties are only regrettable necessities, the means to a desirable end; but, at the worst, they are or can become a restraint on international trade, a bolstering up of inefficiency and an exploitation of the consumer, in other words, the poor. We have had a good deal of discussion this afternoon as to whether protective duties or import duties generally do fall upon the poor. Quite a number of Honourable Members opposite said that they did and I agree

[Sir James Grigg.] with them. But that is a little change of view point from the Leader of the Opposition's extremely acid remark the other day about the cant of anybody presuming or daring to refer to the word "consumer" in any debate on trade and fiscal policy. I am bound to say I prefer the later views of the Congress-Party in this matter. In point of fact, this does illustrate the incurable dilemma in which the Congress Party are in this matter. Their nationalism leads them to want to build up Indian industries, at all costs, as quickly as possible. But their representation of the people and their roots in the villages make them want to hold themselves out to be the protectors of the poor and they really have got to make up their minds on which leg to stand in this matter.

Mr. S. Satyamurti: We stand on both legs. (Laughter.) ✓

The Honourable Sir James Grigg: Just so; but one is longer than the other. (Laughter.)

The same dilemma appears in the speech of my Honourable friend behind me, Dr. DeSouza. He declaimed bitterly about the burden on the poor of protective duties and then went on to belabour Government for their intolerable inactivity in not placing any import duty on rice coming into Madras. I wonder whether that would be a burden on the poor.

Perhaps in order to avoid any misconceptions as to my own position in the matter, let me say that I do not attempt to draw any very particular moral from all this except that in our protective policy we ought to keep ever before our minds the conditions laid down in the Fiscal Commission's Report and particularly to bear increasingly in mind the burden on the poor which protective duties inevitably involve. That is admitted universally. The question is whether the price is worth while and I think we have got to satisfy ourselves quite definitely that the price is worth while before we embark on protective duties.

Mr. S. Satyamurti: Yes, certainly.

The Honourable Sir James Grigg: This growing measure of agreement between me and the Party opposite is portentous.

Then perhaps I may go back to the learned Mover's speech and deal with his final category, which was import duties for revenue purposes, and here I am in very large measure of agreement with him. There is no doubt that our revenue tariff is too high and there is no doubt that it is too all-embracing, and much too complicated. It is a hindrance to trade and a burden on the consumer. My Honourable friend, Mr. James, pointed out, in a debate in the last Budget Session, that it certainly ought to be overhauled and I entirely agree with him. I was a little saddened in the last Simla Session, however, to hear him say that no half-measures would do and that we have got to overhaul it completely and thoroughly and that it was no good making a start with half-measures. However, I dare say, he is right; but if he is right, the necessary corollary is that we have got to wait for a general revision of the tariff until the revenue position is more prosperous.

Prof. N. G. Ranga: There should be revision of salaries also.

The Honourable Sir James Grigg: All that remains now, I think, is to deal with one or two points of detail which have arisen during the course of the debate. The Honourable Member who represents the landowners of Bengal took rather a different view to anybody else. A free paraphrase of his speech might be given thus: "What is all this stuff about the poor: what about the poor landlord?" I am bound to say that I could not follow him in his conclusions about the tax system.

Mr. D. K. Lahiri Chaudhury: My point was to object to agricultural income being taxed.

The Honourable Sir James Grigg: I see the Honourable Member objects to income-tax altogether. . . .

Mr. D. K. Lahiri Chaudhury: Not at all: I objected to the proposal for taxes on agricultural income.

The Honourable Sir James Grigg: But there are none today: why object to them?

Mr. D. K. Lahiri Chaudhury: No, Sir, there is no tax on agricultural income in the strict sense, but if the Honourable Member looks at the amendment of Sardar Mangal Singh, he will see that it seeks to assess land revenue on the basis of income-tax which I strongly oppose.

The Honourable Sir James Grigg: I am sorry; I thought he was belabouring the Government. It is only the Mover of the amendment who is being belaboured. Another Honourable Member from Bengal—I was not very clear about his point of view except that he seemed to me rather like the prisoner in the dock who, when asked if he wished to challenge any of the jury, said that he objected to the whole lot of them. So my Honourable friend objected to all taxes indiscriminately. Another Member raised a point about the match and sugar excises and complained that neither of these excises had saved the industry or saved the consumer. But they were not intended to: they were intended to raise revenue and to get back a little of the money which had been destroyed by the very high protection of those industries. I never heard of taxation being intended in the interests of the consumer.

I think I have now dealt with all the points which arose during the debate. Let me end up by saying that I think the debate has been valuable. I think it has disclosed a very much wider measure of agreement than one would have thought possible. I think it has been, possibly with one exception, conducted in an extremely reasonable spirit, and I hope that the interchange of views which has taken place will, in due course, not be without fruit. Certainly as regards the actual Resolution, the Government do not propose to divide on it; and as regards the amendments, if the Movers of them wish to challenge a division, Government do not propose to take any part in those divisions.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would put Professor Ranga's amendment first: The question is:

"That at the end of the Resolution, the following be added:

'with a view to so redistribute the incidence of taxation as to lower its burden upon the poorer classes of this country'."

The motion was adopted.

[14TH FEB. 1935.]

Mr. President (The Honourable Sir Abdur Rahim): Mr. Ayyangar's amendment comes next. The question is:

"That at the end of the Resolution, the following be added:

'particularly, with respect to the assessment of income-tax on incomes below Rs. 2,000, and the excise duties on matches and sugar'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Sardar Mangal Singh's amendment comes next. The question is:

"That at the end of the Resolution, the following be added:

'with a view to assess land revenue in the Centrally Administered Areas on the basis of income-tax'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is that the following Resolution, as amended, be accepted:

"That this Assembly recommends to the Governor General in Council to take immediate steps for revising their present taxation policy with a view to so redistribute the incidence of taxation as to lower its burden upon the poorer classes of this country, particularly, with respect to the assessment of income-tax on incomes below Rs. 2,000, and the excise duties on matches and sugar, and with a view to assess land revenue in the Centrally Administered Areas on the basis of income-tax."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 18th February, 1935.

LEGISLATIVE ASSEMBLY.

Monday, 18th February, 1935.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

TAX IMPOSED ON MENIALS IN THE DALHOUSIE CANTONMENT.

282. ***Mr. Sham Lal:** (a) Is it a fact that a tax of Rs. 1-8 per head has been recently imposed on every menial working in Dalhousie Cantonment and recoverable from the employer?

(b) Are Government aware that under section 60 of the Cantonments Act of 1924, only such tax can be imposed in a Cantonment as may be imposed in any Municipality of the Province in which the Cantonment is situated?

(c) Is it a fact that 'menial tax' is not imposed in any Municipality of the Province in which Dalhousie Cantonment is situated?

(d) Are Government aware that the imposition of this tax has led to further unemployment, and it is being keenly felt by the menials who are already hit by the continued economic depression in the country?

(e) Do Government propose to take steps to have this tax abolished in the Dalhousie Cantonment?

Mr. G. R. F. Tottenham: I have called for a report and will lay a reply on the table in due course.

TAXES IN THE HYDERABAD (SIND) CANTONMENT.

283. ***Mr. Sham Lal:** (a) Has the All-India Cantonments Association represented to Government that the taxation in Hyderabad (Sindh) Cantonment is very excessive and that the total of direct taxes in that Cantonment comes to about 19 per cent. of the rental value of property?

(b) Is it a fact that the level of taxation in the neighbouring Municipality is much lower?

(c) What action have Government taken on the Association's representation? If no action has been taken, do Government propose to take any, and to bring down the taxation to the level of the adjoining Municipality?

Mr. G. R. F. Tottenham: (a) and (b). Yes.

(c) The power of imposing taxes in Cantonments is vested in the Local Government to whom a copy of the question and answer, together with a copy of the representation from the All-India Cantonments Association, are being forwarded for such action as may be considered necessary.

DISPOSAL OF APPEALS UNDER SCHEDULE V OF THE CANTONMENTS ACT BY THE ARMY COMMANDERS.

284. *Mr. Sham Lal: (a) Has the All-India Cantonments Association represented to Government that the disposal of appeals under Schedule V. of the Cantonments Act of 1924 by the Army Commander is very unsatisfactory?

(b) Is it a fact that in most cases, appeals are not heard personally by the Army Commander but by the Inspecting Officers, Military Lands and Cantonments attached to the Command?

(c) Is it a fact that the *Cantonment Advocate* published a number of cases in which the one stereotyped order passed on all kinds of appeals during January, 1934, and October, 1934, by the Army Commander, Northern Command, was to the effect that "after having carefully considered the facts of the cases, the Army Commander was unable to interfere in the order appealed against"?

(d) Is it a fact that to make the proffering of appeals serve the purpose for which these were provided for in the Cantonments Act, the All-India Cantonments Association has suggested that these appeals be in future proffered to the District Magistrate instead of the Army Commander?

(e) Have Government considered the suggestion, and if so, what decision have Government arrived at in this matter?

Mr. G. R. F. Tottenham: Government have received a representation on the subject from the All-India Cantonments Association which follows the lines of the Honourable Member's question. They have informed the Association that they already have under consideration an amendment to the Cantonments Act, 1924, to meet the points they have raised. A final decision has not yet been reached.

HOUSE ALLOWANCES PAID TO MILITARY OFFICERS.

285. *Mr. Sham Lal: (a) Will Government be pleased to state what house allowances are paid to the Military Officers of various ranks?

(b) Are Government aware that in several cases a private bungalow is occupied by more than one officer?

(c) Is the house allowance reduced in the cases referred to in part (b) above? If so, to what extent, and what arrangements have been made that all such cases are promptly brought to the notice of Government?

(d) Will Government be pleased to state if any saving is effected in the payment of house allowance if more than one officer occupy a house owned or acquired on lease by Government?

(e) Are Government aware that the growing practice of two or more officers living in one house has resulted in several privately-owned houses and hotels remaining vacant and this is resented by the house-owners who invested their money in building houses for Military Officers?

(f) What are Government rules or instructions about two or more officers living in one house?

(g) Is the house-allowance paid on the implied understanding that the officer in receipt of it will have a house for himself?

(h) Do Government propose to protect the interests of house-owners by insisting that full house allowance will be allowed only to those who rent a separate house for themselves?

Mr. G. R. F. Tottenham: (a) Lodging allowance, the rates of which vary from Rs. 20 to Rs. 250 per mensem, is paid to officers according to their rank or appointment, and whether they are single or married. The allowance is only admissible when Government cannot provide suitable accommodation, either in Government owned, hired, or appropriated buildings.

(b) Yes.

(c) When a private bungalow is shared no question of reducing the Lodging allowance arises.

(d) When a house, provided by Government, is shared, a certain percentage of the lodging allowance of each of them is withheld. This percentage is calculated on the ratio of the accommodation actually occupied by the officer to that to which he is entitled under rule.

(e) The Honourable Member's information is probably correct.

(f) There are no rules or instructions dealing with two or more military officers living in a private bungalow. For those living in the same Government bungalow the rule is as stated in reply to part (d).

(g) No.

(h) Government are not concerned with private arrangements made by officers for their accommodation.

Mr. Lalchand Navalrai: May I know, Sir, if Indian Officers and European Officers get the same allowance for house-rent?

Mr. G. R. F. Tottenham: The new Indian Commissioned Officer receives a consolidated rate of pay which includes an allowance for lodging.

Mr. Lalchand Navalrai: But is it the same as is paid to the European Officer?

Mr. G. R. F. Tottenham: No, Sir, it is not exactly the same.

Mr. Lalchand Navalrai: Why? What is the difference?

Mr. G. R. F. Tottenham: Well, we consider it more suitable in the case of Indian Officers that they should have a consolidated rate of pay instead of a basic rate of pay, with various allowances added on to it; and I think I am right in saying that no more is deducted from their pay than is deducted from the pay of British Officers for such accommodation as they are provided with by Government.

Mr. Lalchand Navalrai: If nothing more is deducted from their pay, then what is the difference? I can't understand?

Mr. G. R. F. Tottenham: Actually it will prove more favourable to the Indian Officers. Having a lower rate of pay and no separate lodging allowance, they will pay a certain percentage of this lower rate of pay for Government accommodation. For instance, they may pay ten per cent. for lodging, which, on a lower rate of pay, is actually less than the British Officer's lodging allowance.

Sir Cowasji Jehangir: Do they get the same class of accommodation?

Mr. G. R. F. Tottenham: The class of accommodation will be slightly different. We had a Committee some time ago including certain Members of the last Assembly who went into that question, and I should like to have notice if the Honourable Member wishes to have exact information. But that Committee did agree to certain reductions in the scale of accommodation.

Sir Cowasji Jehangir: Who decided that?

Mr. G. R. F. Tottenham: There was a Committee, at Army Headquarters, and I think three Members of the last Assembly were invited to advise us.

CONSTITUTION OF ELECTED BOARDS IN THE CANTONMENTS OF THE NORTH-WEST FRONTIER PROVINCE.

286. ***Mr. Sham Lal:** (a) Are Government aware that when the New Cantonments Act of 1924 was passed in the Legislative Assembly in July 1923, the Select Committee definitely stated in their Report that they had not recommended the constitution of elected Boards in the Cantonments of the North-West Frontier Province, as the elective principle had not at that time been applied in case of municipalities of that Province?

(b) Are Government aware that this principle had been long applied to the Municipalities, District Boards and other Local Bodies of that Province and that the people of the Cantonments of that Province feel greatly aggrieved that the right had not been extended to them while it was being exercised by ordinary illiterate people in the villages?

(c) Are Government aware that the people of the Frontier Cantonments like Peshawar, Nowshera, Abbottabad and Kohat, have demanded the constitution of elected Boards in their Cantonments and this demand had been repeatedly urged by the All-India Cantonments Association?

(d) Will Government be pleased to state why the people of the Cantonments of the Frontier are deprived of this right?

(e) What are Government's reasons for withholding this right from these people so far?

(f) Do Government propose to redress their legitimate grievance by directing the immediate constitution of elected boards in these Cantonments?

Mr. G. R. F. Tottenham: (a) No Sir. The Select Committee stated their recommendation in the matter and added as one argument in its favour that the elective principle had not yet been generally applied to municipal bodies in the North-West Frontier Province.

(b) The answer to the first part is in the affirmative. As regards the second part, Government have no information.

(c) Representations to the effect stated have been received from certain local associations in Peshawar and also from the All-India Cantonments Association.

(d) and (e). I lay on the table a copy of the letter addressed to the All-India Cantonments Association on the subject in January, 1933, which explains fully the Government's attitude in this matter.

(f) Government adhere to the views expressed in the letter quoted above.

Copy of a letter from the Secretary to the Government of India, Army Department, to the Honorary Secretary, All-India Cantonments Association, Ambala, No. 562-R. [A. D. 4, dated the 4th January, 1933.]

INTRODUCTION OF ELECTIVE PRINCIPLE IN CANTONMENTS IN NORTH-WEST FRONTIER PROVINCE.

In continuation of Army Department letter No. 382-R. (A. D. 4), dated the 18th August, 1932, and with reference to your letter No. 2770/A./C., dated the 26th November, 1932, on the above subject, I am directed to say that the local Government and the local military authorities have again been consulted. Both authorities are opposed to the extension of the elective principle to Cantonments in the North-West Frontier Province, and discretion in the matter is vested in the Local Government under Section 14 of the Cantonments Act. The reasons for their opinion, with which the Government of India agree, are that frontier cantonments are so exclusively military in character that conditions in them are so different from those prevailing elsewhere and so frequently entail the departure of military officers from cantonments on active military duties that it would be impossible for the system of elected boards with official majorities to work satisfactorily. They are also of the opinion that the general public are satisfied with the working of the present Cantonment Boards.

In the circumstances, the Government of India do not propose to pursue the matter.

Mr. M. S. Aney: When the province is declared fit for being a Governor's Province, what is the reason for not applying the elective principle to municipalities in the North-West Frontier Province?

Mr. G. S. Bajpai: I am rather at a disadvantage as I have not looked up the papers on the subject, but I believe that recently the elective principle has been introduced in the North-West Frontier Province.

Mr. M. S. Aney: Probably the Honourable Member has not listened to what his colleague has said.

Mr. G. R. F. Tottenham: I have answered part (b) of the question. Part (b) of the question is:

"Are Government aware that this principle had long been applied to the Municipalities, District Boards and other Local Bodies of that Province.....?"

The answer to that is in the affirmative.

Mr. Lalchand Navalrai: Are there bungalows resumed under agreement with the Government?

Mr. G. R. F. Tottenham: Yes, Sir, a large number of bungalows have been resumed by mutual agreement with the owners.

Mr. Lalchand Navalrai: Have they been sufficiently compensated?

Mr. G. R. F. Tottenham: Yes, they have all been paid.

BUNGALOWS ACQUIRED IN CANTONMENTS.

287. ***Mr. Sham Lal:** (a) Will Government be pleased to state how many bungalows and in which Cantonments and at what cost, Government have secured, by a recourse to the proceedings of the resumption of the site under the old Bengal Regulations and the acquisition of the property standing thereon under the Land Acquisition Act during the last five years?

(b) Are Government aware that these proceedings have caused widespread indignation and have created a sense of grievous wrong among the house owners?

(c) Do Government propose to modify their policy in this connection, specially in view of the assurances given to the All-India Cantonments Association by the Army Secretary in June 1929 that action under this policy will not be taken except in some emergent cases?

Mr. G. R. F. Tottenham: (a) The number of bungalows, of which Government have so far secured possession under the Land Acquisition Act after resuming the sites, is 59 in the Cantonments of Peshawar, Kohat, Rawalpindi, Meerut, Cawnpore and Lucknow. The total cost involved so far is rupees six lakhs and fifty thousand, but proceedings are not complete in many cases as references have been made against the award of the Land Acquisition Officer to the District Judge under section 18 of the Land Acquisition Act.

(b) Government are aware that certain house owners have protested against the proceedings.

(c) No.

ALLEGED FLOUTING BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT, OF GOVERNMENT ORDERS.

288. ***Mr. Sham Lal:** (a) Has the attention of Government been drawn to an article appearing in the issue of the *Cantonment Advocate* for September, 1934, under the heading 'Are Government Rulings binding'?

(b) Is it a fact that in their letter No. 391-F. A. D. 4, dated the 2nd August, 1934, the Secretary to the Government of India, Army Department, informed the All-India Cantonments Association that it is incumbent on a Cantonment Authority to act on all the Rulings given by Government about the interpretation of various sections of the Cantonments Act and other orders issued by it?

(c) Is it a fact that under Army Department letter No. 1165-A. D. 4, dated the 1st April, 1930, Executive Officers of Cantonments are not permitted to use section 25 of the Cantonments Act "for the institution of prosecutions in any circumstances"?

(d) Are Government aware that in contravention of the above circular, Major G. R. Dowland, Executive Officer, Ambala, used section 25 in instituting a prosecution and when a non-official member drew his attention to this act being opposed to Government orders, he wrote to him as follows:

(i) "I do not consider myself in any way bound by such executive instructions and would have no hesitation in ignoring them."

(ii) "If the Government of India did not like my action, they could find another Executive Officer."

(e) If the above position be justified, do Government propose to withdraw their letter making it binding on Cantonment Authorities to carry out Government Rulings and orders? If not, what action do Government propose to take against the Executive Officer who has flouted Government orders in the way described above?

Mr. G. R. F. Tottenham: (a), (b) and (c). Yes, Sir.

(d) Government saw an article to this effect in the *Cantonment Advocate* for September, 1934. On making enquiries they found that the statements were made in a private and personal letter to a certain member of the Board, and were not intended for publication.

(e) Does not arise.

Mr. S. Satyamurti: Do Government think that their officers are entitled to say even in their own private and personal capacity that "If the Government of India did not like my action, they could find another Executive Officer?"

Mr. G. R. F. Tottenham: I do not wish to pronounce any judgment on the officer's conduct, I am not defending it, but I merely say that he did not intend that the statement should be published, and if he made any mistake, I think it was in writing a private letter and expecting that it would be treated with the confidence with which such letters are ordinarily treated.

Mr. S. Satyamurti: In view of the fact that that statement has now been published, will Government take any action against this officer for his impertinence?

Mr. G. R. F. Tottenham: The Government do not consider it necessary to take any further action. I think the officer has already had his lesson.

Mr. S. Satyamurti: Has he been warned?

Mr. G. R. F. Tottenham: Yes, Sir; I made an inquiry.

Mr. S. Satyamurti: Does an inquiry amount to a warning?

Mr. G. R. F. Tottenham: No, Sir; but, in the course of the enquiry, it was brought to the notice of the officer that his action was ill-advised.

ALLEGED ABUSE OF SECTION 25 OF THE CANTONMENTS ACT BY THE
EXECUTIVE OFFICER, AMBALA.

289. *Mr. Sham Lal: (a) Has the attention of Government been drawn to an article headed 'Abuse of section 25 of Cantonments Act' published on pages 1-4 of the issue of the *Cantonments Advocate* for February, 1934?

(b) Is it a fact that the All-India Cantonments Association supplied to Government other specific cases in which the section was wrongly used by the Executive Officer, Ambala?

(c) Is it a fact that Government informed the All-India Cantonments Association that they did not consider it necessary to take action in the above cases, as the Sadar Bazar, Ambala, had already been separated from the Sadar Bazar?

(d) Will Government be pleased to state what connection the separation of the Bazar had with the cases referred to?

(e) Are Government aware that conniving at the abuse of section 25 has led to its increase?

(f) Is it a fact that the ultimate control of Cantonment Administration rests with Government and Government are responsible that the administration be carried on in accordance with law?

(g) How do Government reconcile this obligation with a disregard to the breach and abuse of section 25?

(h) Do Government intend to revise their decision not to take any action in the cases involving abuse of section 25?

Mr. G. R. F. Tottenham: (a) Government have seen the article.

(b) Yes.

(c) No.

(d) Does not arise.

(e) to (h). Government have never connived at the misuse of section 25. They have explained the scope of the section to Cantonment Authorities and have no reason to believe that it is being used improperly.

WITHDRAWAL OF THE CIRCULAR ABOUT THE GOVERNMENT'S ATTITUDE
TOWARDS THE VILLAGE INDUSTRIES ASSOCIATION.

290. *Mr. S. Satyamurti: Will the Honourable the Home Member be pleased to state:

(a) whether his attention has been drawn to Mahatma Gandhi's statement to the United Press, published in the *Hindustan Times* of the 22nd January, 1935;

(b) whether in view of Mahatma Gandhi's categorical statement that he will never use the Village Industries Association for organizing civil disobedience, Government propose to withdraw their circular in respect of the attitude of Government officials towards the Association or modify the same; and

(c) if the answer to part (b) be in the negative, the reasons why Government do not propose to take any such action?

The Honourable Sir Henry Craik: (a) I have seen the statement in the Press.

(b) and (c). As I explained in my speech on the Adjournment Motion on the 21st January, Government have not yet formed final views on the question of their attitude towards the All-India Village Industries Association, which was indicated only tentatively in the circular. In reaching their final conclusions, they will take into full consideration all relevant material including Mr. Gandhi's statements and the replies of Local Governments.

Mr. B. Das: Has the statement referred to of Mahatma Gandhi brought about any change of heart in the Honourable the Home Member yet?

The Honourable Sir Henry Craik: The Honourable Member had better wait and see.

Mr. S. Satyamurti: How long is this House going to wait and see? When do the Government propose to make up their mind about this matter?

The Honourable Sir Henry Craik: The Association is not, I understand, in actual working practice yet.

Mr. S. Satyamurti: May I know if the Government propose to wait till they have information from their own sources whether the Association is working, and then try to handicap it by counter instructions?

The Honourable Sir Henry Craik: The Honourable Member is premature in anticipating what the decision of the Government would be.

Mr. S. Satyamurti: The danger is that it will be too late afterwards. I want to know when the Government propose to make up their mind and issue final instructions as to the attitude of their officers towards this Association—some approximate time, I want.

The Honourable Sir Henry Craik: It is difficult for me to give any approximate time. Government will make up their mind after having all the relevant materials before them.

Mr. S. Satyamurti: How long will that take?

The Honourable Sir Henry Craik: That depends on how long the Association takes to get into working order.

Mr. S. Satyamurti: May I know if the Government want to wait till the Association is in working order, and then make up their mind one way or the other, and that they will not help by saying in advance what their attitude will be?

The Honourable Sir Henry Craik: That depends on how the Association develops.

Mr. S. Satyamurti: What other relevant materials do the Government want than the statement of the founder, the publication of the constitution, and of the rules of the Association?

The Honourable Sir Henry Craik: We want to see how the Association will work in actual practice.

Mr. S. Satyamurti: In the meantime, what will be the attitude of the Government till they make up their mind after seeing how the Association works? Will they help, hinder, or remain neutral?

The Honourable Sir Henry Craik: The attitude of the Government will be one of neutrality.

Mr. S. Satyamurti: Benevolent or otherwise?

The Honourable Sir Henry Craik: Very benevolent.

RELEASE OF MR. SARAT CHANDRA BOSE.

291. ***Mr. S. Satyamurti:** Will the Honourable the Home Member be pleased to state:

(a) whether Government have considered the effect of the passing of the adjournment motion of this House censuring the conduct of Government in detaining Mr. S. C. Bose, M.L.A., and thus preventing him from discharging his duties as a member of this House; and

(b) whether Government propose to release Mr. Bose, if not, why not?

The Honourable Sir Henry Craik: (a) Yes.

(b) The reasons which led to Mr. Sarat Chandra Bose being detained as a State Prisoner under Regulation III of 1818 were stated by me on the 1st August last, in reply to Mr. Bhuput Singh's question No. 261 and supplementary questions thereon. The question of his continued detention is periodically examined every half year under the provisions of the Regulation. The Government of India have very recently examined the case and do not consider that he should be released at present.

Mr. S. Satyamurti: Did the Government of India examine the case of Mr. Sarat Chandra Bose, after the passing of the adjournment motion in this House?

The Honourable Sir Henry Craik: No. Shortly before that.

Mr. S. Satyamurti: May I know why the Government of India did not consider the verdict of this House, even pay us the compliment of considering it, but quietly ignored it?

The Honourable Sir Henry Craik: The verdict of the House was in respect of certain privileges said to exist. The discussion did not turn on the merits of the detention of Mr. Bose at all.

Mr. Akhil Chandra Datta: May I know whether, in coming to the conclusion that Mr. Bose ought not to be released now, the Government have considered the question as to whether he should be put on trial?

The Honourable Sir Henry Craik: Yes, that has been considered.

Mr. M. S. Aney: What is the conclusion that the Government have arrived at after considering that point?

The Honourable Sir Henry Craik: The Government would not use the Regulation if they thought that the case was one which could be put in a Court. The Regulation provides for cases where it is not considered desirable to bring a person before a Court.

Mr. S. Satyamurti: May I know if the Government's opinion is that if they have no satisfactory evidence, they will proceed under the Regulation and not try the man in a Court of law?

The Honourable Sir Henry Craik: The evidence is satisfactory, but it is evidence of a nature that cannot be put into Court.

Mr. S. Satyamurti: That is, evidence which cannot stand cross-examination, or the judgment of a judicial tribunal?

The Honourable Sir Henry Craik: That is not so.

Mr. S. Satyamurti: With reference to the answer to clause (a) of the question, may I know what is the result of the Government having considered the effect of the passing of the adjournment motion?

The Honourable Sir Henry Craik: The effect is stated in the answer to part (b) of the question.

Mr. S. Satyamurti: May I know if the Government have considered that they owe it to this House to justify their action in preventing Mr. Bose from attending to his duties as a Member of this House?

The Honourable Sir Henry Craik: I made it perfectly clear that I was prepared to justify the reasons for detaining Mr. Bose, on a suitable occasion, but I was not allowed under the ruling of the Chair to do so on the adjournment motion.

Mr. S. Satyamurti: When will the Honourable the Home Member take a suitable occasion to justify their conduct?

The Honourable Sir Henry Craik: It is for the Honourable Member himself to take a suitable occasion for raising the question.

RECRUITMENT OF STAFF FOR THE RESERVE BANK OF INDIA.

292. ***Mr. K. L. Gauba:** (a) Will the Honourable the Finance Member be pleased to state what arrangements have been made for the recruitment of staff for the Reserve Bank of India?

(b) Has any staff been transferred in this connection from the Imperial Bank of India and the Currency Department, and if so, how many?

(c) What precautions are being taken to ensure to Muslims their due share in the staff of the Reserve Bank (i) by transfer from the Imperial Bank and the Currency Department, and (ii) by fresh recruitment?

The Honourable Sir James Grigg: (a) and (c). The recruitment of the staff of the Reserve Bank is a matter for the Central Board of the Bank.

(b) The staff of the Currency Department of Government, at present doing the work which is to be entrusted to the Reserve Bank, is being transferred to the Bank and, it is understood, that a similar procedure is being followed in the case of the Imperial Bank. Approximately 1,500 Government servants will be transferred, but the number has not yet been finally determined. Government have no information about the number of Imperial Bank staff.

Mr. Lalchand Navalrai: Has any officer from the Reserve Bank been appointed to sit for the purpose of recruitment?

The Honourable Sir James Grigg: As I said, this is a matter entirely for the Board of the Reserve Bank and not one in which the Government have either the authority or the desire to interfere.

Mr. Lalchand Navalrai: Have Government no information on that point also?

The Honourable Sir James Grigg: I have got no information beyond the information I have given in reply to this question.

Mr. B. Das: Have Government any control over the Reserve Bank under the Reserve Bank Act? The Honourable Member just now said that the Government have no authority on the Reserve Bank.

The Honourable Sir James Grigg: I did not say so. I said, they have no authority or desire to interfere with the staffing of the Reserve Bank, that is, staff below the Board and the Governors.

Prof. N. G. Ranga: When will the Bank begin to issue its shares?

The Honourable Sir James Grigg: I explained to the House a week or two ago that the Board proposes to have its second meeting in Delhi on February, the 23rd, and on that occasion one of its items of business will be to discuss the question of shares with the Committee which has been elected by the two Houses of the Legislature.

Sir Cowasji Jehangir: Could the Honourable Member inform the House as to whether, over and above those from the currency offices and the servants of the Imperial Bank, any fresh recruitment will take place, because a large number of applications are being received, as I see from the papers, and they are very anxious to know whether any fresh recruitment will take place?

The Honourable Sir James Grigg: I cannot say without notice.

Mr. Lalchand Navalrai: May I know from the Honourable Member if any policy has been laid down by the Government in which cases they will interfere or get information from the Reserve Bank and in which cases they will leave it entirely to the discretion of the Reserve Bank?

The Honourable Sir James Grigg: The Government propose to adhere strictly to the terms of the Reserve Bank Act.

Prof. N. G. Ranga: Have Government considered the desirability of reserving a minimum portion of the shares for agriculturists?

The Honourable Sir James Grigg: That also is, I am afraid, a matter for the Central Board of the Bank.

Prof. N. G. Ranga: What steps do Government propose to take in order to advertise these shares in the rural parts?

The Honourable Sir James Grigg: The steps in regard to the issue of shares are laid down by Statute in the Reserve Bank Act and the Central Board of the Reserve Bank is bound by that Act.

Mr. K. L. Gauba: In clause (c) of the question, I asked what precautions are being taken to ensure to Muslims their due share in the staff of the Reserve Bank. Do I understand that the Government have no information on the subject?

The Honourable Sir James Grigg: I have no information beyond what I have given in reply to the question. The recruitment of the staff of the Reserve Bank is entirely a matter for them.

Prof. N. G. Ranga: Is there any representative of the rural interests on the directorate of the Reserve Bank?

The Honourable Sir James Grigg: That does not arise out of this question, but it is laid down in the Act that the Board should consider the question of setting up a rural credit department.

AIRCRAFT FIRMS AND AEROPLANES.

293. ***Mr. K. L. Gauba:** Will the Honourable the Commerce Member be pleased to state:

- (a) the number and names of British aircraft firms and their branch offices in India;
- (b) the number and names of foreign aircraft firms and their branch offices in India;
- (c) the number of aeroplanes of British manufacture purchased in India since 1929 by flying clubs, commercial firms, and private individuals; and
- (d) the number of aeroplanes of foreign manufacture purchased in India since 1929 by flying clubs, commercial firms, and private individuals?

The Honourable Sir Frank Noyce: (a) There are five British aircraft manufacturing firms who are known to have branches or agencies in India. Their names and the names of their agents are given in the statement which I lay on the table.

(b) There is no foreign aircraft company which is known to have a branch or agency in India.

(c) and (d). From January 1st, 1929 to 30th January, 1935, 136 aircraft of British manufacture and 12 aircraft of foreign manufacture have been registered in British India.

The 136 British manufactured aircraft according to their first Indian registration were distributed as follows:

Flying Clubs	...	...	...	...	48
Commercial firms	...	...	...	...	42
Private Individuals	...	...	...	...	43
Government	...	...	...	...	3

The 12 foreign manufactured aircraft were first registered as follows:

Commercial firms	...	...	...	...	3
Private Individuals	...	...	...	...	9

Statement.

British aircraft manufacturing firm.	Branch or Agency in India.
<i>Manufacturers with branches in India—</i>	
(1) The De Havilland Aircraft Company, Ltd.	The De Havilland Aircraft Co. Ltd. Karachi.
(2) Airspeed Limited	R. K. Dundas, Ltd., New Delhi.
<i>Manufacturers with agents in India—</i>	
(1) Phillips and Powis Aircraft (Reading) Ltd.	Walford's Transport Ltd., Calcutta.
(2) British Klemm Aeroplane Co. Ltd.	The French Motor Car Company, Ltd., Calcutta.
(3) The Cierva Autogiro Company, Limited.	Tata Sons, Limited, Bombay.

MUSLIM REPRESENTATION IN THE HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

294. ***Mr. K. L. Gauba:** (a) Has the attention of Government been drawn to a "Letter to the editor" published in the *Eastern Times*, dated the 19th December, 1934, under the caption "Muslim Representation in N. W. R. Headquarters Office"?

(b) Is it a fact that there are at present, as stated in the article, two vacancies in the Establishment Branch of the Headquarters Office, one of which has been caused by the death of a Muslim?

(c) Is it a fact that the proportion of Muslims in the Establishment Branch of the Headquarters Office is negligible?

(d) If the answer to part (c) be in the affirmative, do Government propose to see that, now that opportunity has offered itself, steps are taken to give effect to the many promises made to the Mussalmans from time to time in regard to increasing the number of Muslims in the Establishment Branches of Railways?

Mr. P. R. Rau: (a) No.

(b) and (c). Government have no information.

(d) My Honourable friend's attention is invited to the orders passed by Government on this point contained in their letter No. 660-E.G. of the 31st August, 1933, a copy of which will be found on pages 172-174 of Volume II of the Council of State Debates for 1933. I am forwarding this question to the Agent of the North Western Railway for consideration.

INTER-BRANCH TRANSFERS OF MUSLIMS IN THE HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

295. ***Mr. K. L. Gauba:** (a) Is it a fact that a number of well qualified Muslims (B.As. and B.A., LL.Bs. even) have been posted to routine sections in the North Western Railway Headquarters Office?

(b) If the answer to part (a) be in the affirmative, do Government propose to see that inter-branch transfers are made in order to put deserving Muslims in working sections, particularly the Establishment Section?

Mr. P. R. Rau: (a) and (b). Government have no information, but I have forwarded a copy of the question to the Agent, North Western Railway, who is aware of the policy of the Government in the matter.

STAFF AREA COUNCILS FORMED ON THE NORTH WESTERN RAILWAY.

296. ***Mr. K. L. Gauba:** (a) Will Government please state the number of Staff Area Councils formed on the North Western Railway with the alleged purpose of providing the staff with a means of expressing their grievances?

(b) Will Government please state:

(i) the total number of resolutions adopted by these Staff Area Councils, in—say—the year 1934; and

(ii) the total number and nature of requests made in these resolutions acceded to by the Administration?

(c) Is it a fact that while comparatively junior Anglo-Indian and European subordinate staff can obtain for their exclusive use glass tumblers and *soorahis*, the modest request of the Headquarters Staff Area Council that such an amenity be also extended to the Indian subordinate staff of the Headquarters Office was not entertained by the Administration?

(d) Is it a fact that certain members have been so disgusted with these Councils that they have tendered their resignations from their membership?

(e) Is it not a fact that the representations made by them through these bodies are in a very large majority of cases turned down?

(f) If so, do Government propose to consider the desirability of stopping, in these days of financial stringency, the wastage of public money on maintaining these Councils, employing a large secretariat, and giving travelling allowance and special leave to members for attending meetings?

Mr. P. R. Rau: I have called for certain information and will lay a reply on the table of the House in due course.

ALLEGATIONS AGAINST THE ASSISTANT STAFF WARDEN OF THE
HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

297. ***Mr. K. L. Gauba:** (a) Is it a fact that the present Assistant Staff Warden of the North Western Railway Headquarters Office is a Qadiani Ahmadi, and that a large number of outsiders visit him during office hours?

(b) Is it a fact that the separate room allotted to him for office use has been virtually converted by him into a *Tabligh* centre?

(c) Is the propagation of un-Islamic Qadiani tenets a part and parcel of his official duties?

(d) Do Government propose to take immediate steps to ensure the discontinuance of such activities?

Mr. P. R. Rau: (a), (b) and (d). Government have no information. A copy of the question is being sent to the Agent, North Western Railway, to see if any action is necessary.

(c) Obviously not.

CLOSING DOWN OF THE BATALA-QADIAN SECTION OF THE NORTH WESTERN
RAILWAY.

298. ***Mr. K. L. Gauba:** (a) Is it a fact that, in pursuance of the allegation that the Railway Administration is run on commercial lines, some of the unproductive sections of the North Western Railway were closed down to reduce working expenses?

(b) Is it a fact that the Section, Batala to Qadian (Mughlan), has not been closed down? Is it a fact that this section is a dead loss to Government as far as traffic earnings are concerned?

(c) If so, do Government propose to consider the desirability of closing down this unproductive section of the North Western Railway?

Mr. P. R. Rau: (a) No section of the North Western Railway has been closed down to reduce working expenses.

(b) The reply to the first part is in the affirmative. As regards the second part, an investigation made by the North Western Railway Administration in 1932 showed that there was no justification for closing this or any other branch line.

(c) Does not arise.

†299*

†This question was withdrawn by the questioner.

INCREASE IN THE WEIGHT OF LETTERS FOR ONE ANNA POSTAGE.

300. ***Sir Muhammad Yakub:** (a) Are Government aware that one anna postage for half a tola letters has become a source of great nuisance to the public by rendering a very large number of letters "bearing"?

(b) Do Government propose to increase the weight of letters from half a tola to one tola for one anna postage?

The Honourable Sir Frank Noyce: (a) Government are aware that the public has not yet become fully accustomed to the $\frac{1}{2}$ tola unit of weight for letters, and that, in consequence, the number of insufficiently paid letters this year is larger than it was last year.

(b) Government recognise the desirability of increasing the first unit of weight from $\frac{1}{2}$ tola to 1 tola and will make the change as soon as the financial position of the department justifies the loss of revenue involved.

Mr. S. Satyamurti: How soon will it be?

The Honourable Sir Frank Noyce: I must ask my Honourable friend to wait and see.

TOLL CHARGED ON THE KOSI RAILWAY BRIDGE IN THE RAMPUR STATE.

301. ***Sir Muhammad Yakub:** (a) Are Government aware that the Kosi Railway bridge in Rampur State, on the East Indian Railway is the only bridge on which any toll is charged?

(b) Are Government also aware that a prohibitive toll of rupees two per motor car per trip, without any provision for a return ticket, is charged on the above bridge?

(c) Do Government propose to order the abolition of this toll and make the traffic on the Kosi bridge free like other railway bridges in the United Provinces?

Mr. P. R. Rau: (a) Yes.

(b) A toll of Rs. 2 per car has been in force for the last 40 years. This rate is the rate mentioned in the Schedule to Act XV of 1864 in accordance with which the toll is levied.

(c) The usual procedure in such cases is for the Local Government to take up the question of abolition with the Railway concerned and arrange for compensation to the Railway for the loss involved where necessary. Government understand that no representation has recently been received by the East Indian Railway from the Local Government or from any other interested party.

Sir Leslie Hudson: May I ask the Honourable Member whether there were any motor cars in existence 40 years ago?

(No answer.)

REPRESENTATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY ON THE
LAHORE AND KARACHI RAILWAY ADVISORY COMMITTEES.

302. ***Mr. Lalchand Navalrai:** (a) Is it a fact that one seat on the Lahore and Karachi Railway Advisory Committees is reserved for the Members of the Legislative Councils of the Punjab and Sind, respectively?

(b) Is it a fact that for getting local advice, the provincial Governments are given power to nominate some members on the Advisory Committees? If so, do Government propose to amend the constitution of the two Advisory Committees to provide representation from among the Members of the Legislative Assembly of the two provinces? If not, why not?

Mr. P. R. Rau: (a) Three seats on the Lahore Advisory Committee are allotted for Members of the Punjab Legislative Council and one on the Karachi Advisory Committee for a Sind Member of the Bombay Legislative Council.

(b) The reply to the first part is in the affirmative and to the second part in the negative. Government see no reason for the change suggested.

Mr. Lalchand Navalrai: Do Government know that M. L. A.'s have directly to do with railway questions and will do better if they are put on the Advisory Committee and that the Members of the Bombay Council and the Punjab Council have no direct concern except as citizens?

Mr. P. R. Rau: That is a matter of opinion.

Mr. Lalchand Navalrai: That is not a matter of opinion. I am only asking a question of fact. Have the M. L. A.'s direct connection with the railway questions or the M. L. C.'s? That is a plain question.

Mr. P. R. Rau: The Advisory Committees are intended for the purpose of informing the Railway Administration of local opinion on the matters that come up for discussion.

Mr. Lalchand Navalrai: Does not the Honourable Member see the desirability of associating M. L. A.'s with these Advisory Committees?

Mr. P. R. Rau: Members of this House have various other opportunities of bringing their views to the notice of the authorities.

Prof. N. G. Ranga: Are the third class passengers represented on these Committees?

Mr. P. R. Rau: I think I have already answered that question the other day, on the point of who are the members of the Advisory Committees?

Prof. N. G. Ranga: Have any passengers' associations applied for representation?

Mr. P. R. Rau: I have already answered the question as to who are the members of the Railway Advisory Committees.

Prof. N. G. Ranga: What are the interests that are represented on these Advisory Committees?

Mr. P. R. Rau: I think I must ask my Honourable friend to see the reply to that question. I am afraid I do not carry that answer in my head at the present moment.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

303. ***Mr. Lalchand Navalrai:** (a) With reference to the answer laid on the table in September, 1932, in reply to my starred question asked on 23rd March, 1932, will Government be pleased to state if since then the posts of the Guards grade III on the North Western Railway have been abolished? If so, how many, and why?

(b) Are Government aware that guards in grade II are not able to get a lift to grade III and IV owing to continual abolition of posts in these grades?

(c) Is it a fact that guards in grade II have waited indefinitely for promotion since the last eight or nine years, and are Government aware that this has caused dissatisfaction amongst these subordinates?

(d) Do Government propose to stop any further abolition of posts in these higher grade appointments of guards so as to make room for the guards of the lower grades to get their due promotion? If not, why not?

Mr. P. R. Rau: (a) The number of guards in grade III is now 273 against 335 in 1932.

(b) and (c). The number in each grade depends upon the requirements of the Administration; and reductions in total strength to correspond to decreased traffic necessarily involves a redistribution of the posts in the different grades. When in the course of such re-distribution surpluses occur in the higher grades of the various classes, the policy of the Administration has been to retain those surpluses against shortages in lower grades and to allow adjustment to come about through normal wastage.

(d) No. Sir, Government consider that the policy adopted by the Railway Administration is correct and do not propose to interfere.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there are complaints that these guards on the II grade cannot rise to the III grade, as the policy of Government is to abolish the III grade?

Mr. P. R. Rau: I cannot answer that question without notice.

Mr. Lalchand Navalrai: Does not the Honourable Member know himself that there are many persons waiting for years together and not getting into class III, because the policy of Government has been to abolish the III class.

Mr. P. R. Rau: I am not aware of that.

FORMATION OF SELECTION BOARDS FOR RECRUITMENT OF STAFF ON THE
NORTH WESTERN RAILWAY.

304. ***Mr. Lalchand Navalrai:** (a) Are Government aware that appointments of the lower subordinates on the State Railways are made through Selection Boards? If so, who form the Selection Board in every Division of the North Western Railway?

(b) Is it a fact that the higher officers in the Division delegate their function of forming a Selection Board to the junior officers of the Division?

(c) Are Government aware that there have been protests against the Selection Boards' way of selection?

(d) Do Government propose to instruct the Railway authorities to make Selection Boards from amongst the Superior officers of the Division?

(e) Are Government aware that a large number of candidates appear before the Selection Boards by payment of one rupee by each candidate as the price of the form of application, which gives the railway a large income, and are they also aware of the complaint that the method of selection by these Selection Boards is not free from influence as no competitive examination is held by them?

(f) Do Government propose to instruct the railway authorities to adopt competitive examination to be held by these Selection Boards for the present in two subjects only, i.e., (i) General information paper, and (ii) *viva voce*?

Mr. P. R. Rau: (a) The answer to the first part of the question is in the affirmative. As regards the latter part, I would invite the Honourable Member's attention to Rule 56 of Section III of the rules for the "Recruitment and training of the subordinate staff on the State-managed Railways", a copy of which is in the Library of the House.

(b) The selection of officers to form a Selection Board is left to the discretion of the head of the Division or Department in which the vacancies occur.

(c) No.

(d) I am conveying the suggestion to the Agents of State-managed Railways for their consideration.

(e) Government have not received any complaints in the matter.

(f) Government have no reason to believe that the present system of selection has failed in its object.

Mr. Lalchand Navalrai: May I know whether the Divisional Officer has got the power under these rules to appoint even a small clerk or subordinate to sit as a member of the Selection Board?

Mr. P. R. Rau: Sir, this discretion of the Agent has not been fettered yet, so far as I am aware.

Lieut.-Colonel Sir Henry Gidney: Sir, may I ask if it is or is not a fact that the Railway Board have received many reports from me and others regarding the violation of rules controlling the promotion of subordinates by such selection committees?

Mr. P. R. Rau: I am not aware of any, Sir.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member kindly make inquiries and become aware of it? (Laughter.)

Mr. P. R. Rau: If my Honourable friend will put a question down on the paper, I will certainly do so.

Lieut.-Colonel Sir Henry Gidney: Sir, the Honourable Member representing the Railway Board is apparently not aware of the numbers of complaints which have been referred to the Railway Board, but let me ask him a specific question: is it or is it not a fact that the Railway Board have, in fact, been inundated with complaints regarding the violation of their orders controlling promotions and appointments of subordinates by Selection Committees? In short, that Heads of Departments often make such promotions?

Mr. P. R. Rau: My Honourable friend says he has put a specific question, but if that question involves a research into past history, I am sure I am entitled to notice of that question?

Mr. Lalchand Navalrai: May I ask if it is or is not a fact that the Divisional Officer, Karachi, appointed assistant officers on the Selection Board instead of the superior officers that are usually appointed? Does the Honourable Member know that?

Mr. P. R. Rau: I am not aware of that, Sir, but I am quite willing to take it from my Honourable friend.

Mr. Lalchand Navalrai: Then I would request my Honourable friend to make inquiries.

Mr. President (The Honourable Sir Abdur Rahim): That is not a question.

SELECTION OF CANDIDATES BY THE SELECTION BOARDS ON THE NORTH WESTERN RAILWAY.

305. ***Mr. Lalchand Navalrai:** (a) Is it a fact that appointment promotion and discharge of certain employees in the subordinate railway service, limitations of which are laid down in the Organization Manual of the North Western Railway, is vested in the Divisional Superintendents?

(b) Is it a fact that in spite of these powers having been delegated to the Divisional Superintendents, a second Selection Board of the candidates chosen, either for appointment in the Commercial or Station Master's group or promotion to grade II Guards' posts, is held in the North Western Railway Headquarters office, Lahore?

(c) Do Government propose to adopt the course of having only one Selection Board and to leave it to the Divisional Selection Boards to select candidates required for their Divisions? If not, why not?

Mr. P. R. Rau: The Agent, North Western Railway, reports that though, under the Organization Manual, Divisional Superintendents have certain powers of appointment, promotion and discharge, circumstances, such as the necessity of maintaining a uniform standard of efficiency and of safeguarding the interest of retrenched staff awaiting reappointment, make it necessary sometimes to centralize appointments and promotion. For instance, recruits for the commercial department and for the grade of

Station Masters, whose first training is given in the Walton Training School, are finally selected by a Central Selection Board to ensure uniformity of standard. The Agent considers it likely that maintenance of the prescribed communal proportions in recruitment will require more frequent use of Central Selection Boards in future.

Mr. Lalchand Navalrai: Have the Railway Board authorised the Agent to exercise his discretion in that manner or to go by the rules?

Mr. P. R. Rau: Certainly, Sir, the Agent has discretion whether to utilise Divisional Selection Boards or Central Selection Boards?

Mr. Lalchand Navalrai: Do I understand that he has discretion in contravention of the orders of the Board?

Mr. P. R. Rau: I do not know what my Honourable friend refers to, but certainly those orders do not prevent Agents from centralising such selections.

Mr. Lalchand Navalrai: I am referring to the question of second selections being made in the head office even though the rule is that the Divisional Officer can appoint without any second selection.

Mr. P. R. Rau: The Divisional Officer is always subject to the instructions of the Agent in this matter.

Mr. Lalchand Navalrai: Do I understand from the Honourable Member that the Railway Board acquiesced in that or authorised them to do that and that even though there are certain rules, the Agent might not obey those rules?

Mr. P. R. Rau: Sir, I have given to the House the reasons adduced by the Agent for centralising such selections, and the Railway Board consider that those reasons are quite sufficient and adequate.

Lieut.-Colonel Sir Henry Gidney: Is the Honourable Member aware of the fact that the Chief Commercial Manager, East Indian Railway, personally makes the appointments of commercial inspectors and other such promotions, and not the Selection Board?

Mr. P. R. Rau: Sir, this question refers to the North Western Railway.

Lieut.-Colonel Sir Henry Gidney: I know, but I am asking the Honourable Member whether he is aware of the fact that the East Indian Railway is showing by their conduct in such matters that the Agent takes no notice of, in fact ignores the orders of, the Railway Board?

Mr. P. R. Rau: I am sure, my Honourable friend is sufficiently watchful of the interests of the East Indian Railway and would have put a question on that subject if there was a real grievance.

Lieut.-Colonel Sir Henry Gidney: Why hypotheccate?

CREATION OF THE APPOINTMENTS OF THE SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

306. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the appointments of the Special Ticket Examiners were created on the North Western Railway some eight years ago, and that in 1931, designation of old Travelling Ticket Examiners (T. T. Es.) was changed into Special Ticket Examiners (S. T. Es.)?

(b) Did the system of Special Ticket Examiners work satisfactorily? If so, why have not the Special Ticket Examiners other than those whose designation was changed as such from the Travelling Ticket Examiners yet been confirmed as Special Ticket Examiners?

(c) Do Government propose to see their way to confirm the Special Ticket Examiners working as such since long? If not, why not?

Mr. P. R. Rau: (a) An experimental scheme for special ticket examining staff was introduced in 1926. In 1931 the posts of Travelling Ticket Examiners were abolished and staff employed as such were offered and accepted posts of Special Ticket Examiners.

(b) and (c). Government have no information on this point, but have no reason to believe that the system did not work satisfactorily. The confirmation of Special Ticket Examiner is a matter which is within the competence of the Agent, North Western Railway, to deal with, and I have sent a copy of this question to the Agent for such action as he may deem necessary.

Sardar Sant Singh: Is it a fact that a mere change in designation has taken place? Was there any change in the duties allotted to these examiners?

Mr. P. R. Rau: No, Sir, I believe that allegation has been contradicted more than once on the floor of this House.

Sardar Sant Singh: Has not the Honourable Member seen the nature of the programme before 1931 and the nature of the programme adopted in 1931?

Mr. P. R. Rau: I am afraid it is impossible to draw any conclusions from those programmes.

Sardar Sant Singh: Will the Honourable Member appoint somebody who is an expert in this branch to compare the two programmes and find out whether during the four years the programmes have been identical while the emoluments have changed a good deal?

Mr. P. R. Rau: I do not think it is possible to draw any definite conclusions from the programmes.

Sardar Sant Singh: Will the Honourable Member appoint some experts to examine the programme?

Mr. P. R. Rau: No, Sir. Government have been assured by the Agent that the duties are not the same.

Sardar Sant Singh: Why should not the Railway Board take into consideration this fact that while the duties allotted to the Travelling Ticket Examiners and the duties allotted to these Special Ticket Examiners are the same, the emoluments have however changed, and what are the reasons for that?

Mr. P. R. Rau: Government have been assured by the Agent, North Western Railway, that the duties are not the same.

Lieut.-Colonel Sir Henry Gidney: Have not the Railway Board received more than one petition or memorial from its subordinates definitely stating that the duties are the same, although the names have been changed and salaries reduced?

Mr. P. R. Rau: I know, Sir, that that allegation has been made.

Mr. M. S. Aney: Is it not possible for the Honourable Member to say now what is the difference between these two classes of officers?

Mr. P. R. Rau: I am afraid I cannot say it now.

Sardar Sant Singh: May I know what objection the Honourable Member has to appointing some expert to examine the respective duties.

Mr. P. R. Rau: It is quite unnecessary because they have been examined by the Agent, North Western Railway.

Mr. President (The Honourable Sir Abdur Rahim): Next question.

RENT FREE QUARTERS TO THE SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

307. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the date from which the Special Ticket Examiners' posts were created on the North Western Railway?

(b) Is it a fact that Special Ticket Examiners as a class were then entitled to rent free railway quarters or house allowance in lieu thereof?

(c) Is it a fact that on revision of the policy of free quarters to Railway staff in August 1928, the Special Ticket Examiners as a class continued to get the privilege of free quarters? If so, why has the said concession been withdrawn with effect from 1st October, 1934?

(d) Is it a fact that on revision of the policy of free quarters in August, 1928, it was ruled that those members of the staff who were recruited or transferred prior to 1st August, 1928, to posts which carried the concession of rent free quarters or house allowance in lieu, will continue to enjoy this privilege personal to them? If so, are Government prepared to continue to grant this concession of free quarters to Special Ticket Examiners? If not, why not?

Mr. P. R. Rau: (a) As I informed the House, in reply to the last question, certain posts of Special Ticket Examiners on the North Western Railway were created as an experiment in 1926.

(b), (c) and (d). I would refer the Honourable Member to the information laid on the table of the House on the 18th July, 1934, in reply to question No. 310 asked by Shaikh Sadiq Hasan.

Mr. Lalchand Navalrai: May I ask the Honourable Member to give me a reply to my question sympathetically (Laughter), namely, whether Special Ticket Examiners going to have their allowance question decided or not? Now they are getting a consolidated sum of Rs. 30, while formerly they made Rs. 200 or so. Has that question been decided or not?

Mr. P. R. Rau: It has been decided. They were given a higher rate of consolidated allowance.

Mr. Lalchand Navalrai: That was a question raised by a complaint and the Honourable Member answered it himself, I think, at some time, namely, that the question whether that consolidated allowance should be increased or at any rate whether it should be given in some other form was under consideration. I am asking whether that question has been decided or not.

Mr. P. R. Rau: If my Honourable friend is referring to certain memorials sent by the Travelling Ticket Examiners, that question has not yet been decided.

ALTERATION IN THE DATE OF BIRTH OF LITERATE STAFF ON THE NORTH WESTERN RAILWAY.

308. ***Mr. Lalchand Navalrai:** (a) Has the attention of Government been drawn to the North Western Railway Administration notification No. 34 appearing in the North Western Railway Gazette No. 10, dated the 18th May, 1934, on the subject of alteration in the date of birth of literate staff?

(b) What is the procedure followed on the North Western Railway in connection with alteration in the date of birth of illiterate staff?

(c) Will Government please refer to paragraph 4 of the North Western Railway administration notification referred to in part (a) and state what remedy exists for the members of the railway staff who had more than five years service on the day of the issue of the said notification?

(d) Are Government aware of the reply given by Honourable the Chief Commissioner of Railways to the Honourable Mr. Hassan Imam's question No. 155 in the Council of State in April 1934, that if an employee could prove that he was younger than what was shown in his service sheet, he automatically got the extension of service and how do they reconcile it with paragraph 3 of the North Western Railway Administration notification No. 34, referred to in part (a)?

(e) Do Government propose to direct the Railway administrations to follow the procedure laid down by the Honourable the Chief Commissioner in his reply to interpellations in the Council of State? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b), (c), (d) and (e). I am collecting certain information necessary to enable me to give a full reply to this question and shall place it on the table of the House in due course.

SENIORITY LIST OF CLERKS ABOVE GRADE IV ON THE NORTH WESTERN RAILWAY.

309. ***Mr. Lalchand Navalrai:** (a) Is it a fact that clerical posts in the Divisional Offices of the North Western Railway above grade IV are controlled by the Agent, North Western Railway, and that a common seniority list of all such posts in the different sections is maintained in the Agent's offices?

(b) If the reply to part (a) be in the affirmative, why is the seniority list of the clerical staff drawing pay above grade IV in the Agent's office Lahore, separately maintained?

(c) Do Government propose to ask the North Western Railway administration to maintain a combined seniority list of clerks above grade IV, employed in Divisional Offices as well as the Headquarters office? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b) The Agent explains that when District Offices were combined, on the introduction of the Divisional Organisation in 1924, the cadres of the clerical establishment of those offices were also combined and the staff were brought on to common seniority lists as for each divisional office. Similarly the clerical establishment employed in the offices of the Heads of Departments and the Agent came on to the establishment of the Headquarters Office and were brought on the common seniority list of that office. The clerical establishment employed in the old District Offices had not been borne on the same list as those employed in the offices of Heads of Departments and consequently there was no combined seniority list maintained for all clerical staff.

(c) I understand that this question was considered in 1926 and it was decided that the practice of keeping separate seniority lists of clerks for the Headquarters office and for the Divisional Offices should continue. The Agent reports, however, that he proposes to examine whether a combined seniority list above grade IV is practicable now.

EMPLOYEES DISCHARGED FROM SERVICE ON THE NORTH WESTERN RAILWAY.

310. ***Mr. Lalchand Navalrai:** (a) Will Government please state the date on which the revised discharge and dismissal rules were brought into force on the North Western Railway?

(b) Will Government please place on the table of this House a statement showing separately for each Division of the North Western Railway the number of employees discharged from service otherwise than on the grounds of reduction in establishment, since the day the discharge and dismissal rules were brought into force?

(c) How many of such discharged employees appealed against the orders of discharge from service?

(d) In how many cases the appellants were successful and were re-instated in service as a consequence of the appeals?

(e) If the percentage is very small, do Government propose to ask the North Western Railway administration to instruct the appellate authorities not to treat the appeals against orders of discharge as a mere formality? If not, why not?

Mr. P. R. Rau: (a) The Rules regulating the dismissal and discharge of State Railway non-gazetted Government servants were introduced on the North Western Railway on the 23rd June, 1930.

(b), (c) and (d). Government regret their inability to undertake the compilation of information which will involve an amount of time and labour, not commensurate with the results likely to be obtained.

(e) The Railway Administrations are aware that Government desire that appeals against the orders of discharge should not be treated as a mere formality. Government have no reason to believe that they do not follow this policy, and do not consider any special instructions necessary.

CONTEMPLATED RETRENCHMENT IN THE MADRAS DEAD LETTER OFFICE.

311. ***Prof. N. G. Ranga:** (a) With reference to the contemplated retrenchment in the Madras Dead Letter Office, will Government be pleased to state, whether it is a fact that two officials of above 25 years and three officials of less than ten years service are to be retrenched? If so, on what basis and for what reasons?

(b) How many half years' enumeration figures should be taken into account according to the rules, to

(i) determine fall in traffic, and

(ii) assess the strength of the office?

(c) Is it not a fact that according to paragraph 2 of Bewoor's Time Test Report, which has been approved by Government of India, two half years' enumeration figures should be the basis on which

(i) strength of the staff can be determined, and

(ii) retrenchment can be made?

(d) Is it not a fact that the contemplated retrenchments has been based on a single week's enumeration figures taken out by two Lower Selection Grade clerks under instructions from a Deputy Postmaster General and that too in his absence?

(e) If the reply to part (d) be in the affirmative, can these figures be taken as the sole factor to determine the strength of the office ignoring (i) the figures taken by the Assistant Postmasters General themselves during the usual two enumeration weeks in the year, and (ii) the standard rules regarding the assessment of the strength of the office?

(f) If enumeration figures of a single week taken under the circumstances mentioned in part (d) above should show high figures to justify enhancement of the strength of the office, are Government prepared to increase the staff on the basis of such figures? If so, on what authority and if not, why not?

(g) Have Government considered whether it is not possible to absorb the retrenched junior officials in the Postmaster General's Office, Madras? Is it a fact that the Dead Letter Office, Madras forms a part and parcel of the Circle Office? If not, why are the services of some of the clerks of the Dead Letter Office, Madras very often utilised in the circle office?

(h) Is it not a fact that even now some of the Dead Letter Office clerks are working in the circle office? If they are, on what authority has the Postmaster General, Madras, been utilising their services, and why will it not be possible to make similar arrangements to absorb at least the junior retrenched officials in the Postmaster General's Office?

(i) Do Government propose to intervene at this stage and urge the postponement of the retrenchment till the decision of the Government of India on P. P. E. Committee's report?

The Honourable Sir Frank Noyce: Information has been called for and a reply will be placed on the table of the House in due course.

INCONVENIENCE CAUSED TO TRAFFIC ON THE SAMASTIPUR STATION, BENGAL AND NORTH WESTERN RAILWAY.

312. ***Mr. Satya Narayan Sinha:** (a) Are Government aware that due to the newly built level-crossing of the west end side of the Samastipur Railway Station (Bengal and North Western Railway) traffic is very much inconvenienced on account of its gates being generally closed for half an hour and sometimes for an hour and it being situated on a very important road, big traffic is held up on its both sides?

(b) Are Government aware that the local public agitated for the redress of their grievance in the local newspaper 'Searchlight' and made representation to the Agent of the said Railway and the latter paid a deaf ear to it?

(c) Do Government propose to ask the Railway Administration concerned to do the needful by removing the grievance of the public as soon as possible by making an underground passage there or by shifting the level crossing to some other site?

Mr. P. R. Rau: (a) to (c). A petition from the local inhabitants regarding this level crossing was received by Government sometime ago, and has been sent to the Agent, Bengal and North Western Railway, for investigation.

UNSATISFACTORY ARRANGEMENT FOR DRINKING WATER AT THE SONEPUR STATION, BENGAL AND NORTH WESTERN RAILWAY.

313. ***Mr. Satya Narayan Sinha:** (a) Are Government aware that the arrangement for drinking water for the passengers at the Sonepur Railway Station (Bengal and North Western Railway) is far from satisfactory?

(b) Are Government aware that more often than not the water taps on the said Railway Station give water only in drops and it takes even an ordinary sized water pot, fifteen minutes to fill up and by that time one might miss his train?

(c) Do Government propose to ask the Railway Authorities concerned to make satisfactory arrangement for drinking water at the said Railway Station?

Mr. P. R. Rau: (a) The Agent, Bengal and North Western Railway, states that there are two large cisterns on the passenger platform at Sonepur, one at each end and opposite the place where passenger trains halt. Each cistern has 12 taps. There are also three stand pipes at a suitable distance from the cisterns. The taps are open throughout the 24 hours, and hand carts containing drinking water are also moved about by watermen alongside passenger trains.

(b) The Agent states that actual tests show that a cistern tap fills an ordinary brass drinking vessel in 30 seconds.

(c) I am sure my Honourable friend will agree that the facts I have given show that the arrangements are satisfactory at present.

BAD CONDITION OF LATRINE IN THE THIRD CLASS CARRIAGES OF THE BENGAL AND NORTH WESTERN RAILWAY.

314. ***Mr. Satya Narayan Sinha:** (a) Are Government aware of the very bad arrangement of lavatory in the third class carriages of the Bengal and North Western Railway?

(b) Do Government propose to ask the Railway Authorities concerned to improve the condition of the latrines in the said carriages?

Mr. P. R. Rau: The Agent of the Bengal and North Western Railway has already been addressed on the subject.

Mr. S. Satyamurti: When was he addressed?

Mr. P. R. Rau: About six months ago.

Mr. S. Satyamurti: Have Government heard anything from him?

Mr. P. R. Rau: I think not yet.

Mr. S. Satyamurti: Have Government sent him any reminder?

Mr. P. R. Rau: If they have not sent a reminder, I shall be glad to do it now.

Mr. S. Satyamurti: Is six months the normal period for replies to communications?

Mr. P. R. Rau: Six months is only my vague recollection.

Mr. S. Satyamurti: Do Government realise that the inconvenience mentioned in clause (a) of this question is a very serious one and do Government propose to press the Agent to take immediate steps?

Mr. P. R. Rau: Government have asked him to take steps immediately.

Mr. S. Satyamurti: In view of the fact that he has not replied for six months, will Government take steps against this Agent?

Mr. P. R. Rau: I do not remember the exact date of the communication.

Mr. S. Satyamurti: Is it six years?

Mr. P. R. Rau: No, Sir; it is not six years. It is less than six months.

CONCESSION IN REALISATION OF INCOME-TAX TO MONEY-LENDERS AND OTHER BUSINESS MEN IN BIHAR AND ORISSA.

315. ***Mr. Satya Narayan Sinha:** (a) Are Government aware that in the earthquake area of the Districts of Bihar and Orissa, people who were carrying on money-lending and other businesses were hard hit due to the said calamity and consequently their income has very much fallen down?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether any instruction has been issued by the Department of Income-tax to make some concession either in realisation by giving time, for instance, or in levying of the taxes? If not, why not?

Mr. A. J. Raisman: (a) I am prepared to take it from the Honourable Member that the facts are as stated.

(b) Income-tax Officers of the areas affected by the earthquake have been instructed to grant time liberally for payment of tax in cases where the assessee has suffered from the earthquake. The law itself provides for relief in the levy of the tax, since it requires the assessment to be made on the income, so that where the income is reduced the assessment must also be reduced.

Mr. Lalchand Navalrai: May I ask, Sir, if the Central Board of Revenue have examined the matter in order to find out that they are being liberally considered by the officers?

Mr. A. J. Raisman: The Board has had no complaints that these instructions are not being carried out.

APPOINTMENT OF A SPECIAL OFFICER TO LOOK AFTER THE RECRUITMENT OF MUSLIMS IN THE RAILWAY SERVICES.

316. ***Mr. A. K. Fuzlul Huq:** (a) Are Government aware that there is a strong feeling among Muslims that the recent orders regarding the reservation of certain percentages of appointments for Muslims in the Railway services will not be acted upon properly unless a special officer is appointed to watch that the orders are being carried out?

(b) Do Government of India (Railway Department) propose to appoint a special officer for this purpose, and if so, when?

Mr. P. R. Rau: An officer has been appointed as an Additional Deputy Secretary in the Home Department among whose functions will be included a co-ordination of the action taken by all Central Departments to give effect to the Resolution in question. Government do not consider it necessary to have an officer specially for railways.

COMMUNAL COMPOSITION OF THE STAFF IN THE CUSTOMS DEPARTMENT, BOMBAY.

317. ***Mr. Ahmed Ebrahim Haroon Jaffer:** (a) Will Government be pleased to state, community-wise, the total number of appointments permanent, temporary and provisional, made since 1930 in the cadre of:

(i) Appraisers,

(ii) Examining Officers,

(iii) Preventive Officers, and

(iv) Clerks (Upper and Lower Divisions).

in the Customs Department at Bombay?

(b) Is it a fact that the orders of the Government of India regarding the recruitment on communal basis were not followed, and will Government be pleased to state whether steps are being taken to rectify the past deficiencies by proportionately increasing the number of new recruits from the communities affected?

Mr. A. J. Raisman: (a) A statement containing the information asked for by the Honourable Member is placed on the table.

(b) The orders of the Government of India have been observed.

Community-wise statement of appointments made at the Bombay Custom House from 1st January, 1930, to 31st December, 1934, in the cadre of (i) Appraisers, (ii) Examining Officers, (iii) Preventive Officers and (iv) Clerks (Upper and Lower Divisions).

Name of the cadre and nature of appointments.	Total number of appointments.	Number of appointments in the previous column filled in by—						Remarks.
		Hindus.	Mahomedans.	Europeans and Anglo-Indians.	Sikhs.	Indian Christians.	Other Communities.	
(i) Appraisers (Substantive and Permanent).	7	3	2	..	..	1	1*	* Parsi.
(ii) Examining Officers (Substantive and Permanent).	13	6	1	..	..	3	3†	† 1 Jew. 2 Parsis.
Candidate Examining Officers.	11	5	3	..	..	1	2‡	‡ 1 Parsi. 1 Jew.
(iii) Preventive Officers (Substantive and Permanent).	10	2	..	6	2	..	..	
Candidate Preventive Officers.	12	1	4	2	..	1	4§	§ 2 Portuguese Indians. 2 Parsis.
(iv) Clerks (Upper Division and Lower Division)—(Substantive and Permanent).	66	45	10	1	..	8	2	1 Jew. 1 Parsi.
Clerks (Temporary)	18	8	4	3	..	2	1¶	¶ Parsi.

Mr. Ahmed Ebrahim Haroon Jaffer: Will the Honourable Member kindly repeat the answer to part (b) as I could not follow it?

Mr. A. J. Raisman: The Honourable Member asked whether it was a fact that certain orders have been observed, and the answer was that the orders of the Government of India have been observed.

Mr. Ahmed Ebrahim Haroon Jaffer: May I know whether, at the time of making appointments, the policy adopted by Government of giving 25 per cent. appointments to Muhammadans is adhered to?

Mr. A. J. Raisman: The Honourable Member's question relates to appointments made since 1930, and it seems to me that he is now referring to the Resolution of the Home Department issued quite recently. I am not aware that any appointments have been made since then. If they have, I have no doubt that the latest orders have been duly followed.

Mr. Ahmed Ebrahim Haroon Jaffer: Will those orders be observed with regard to the future appointments in the Department?

Mr. A. J. Raisman: Certainly. The orders contained in the Resolution apply to all the Departments.

Mr. Ahmed Ebrahim Haroon Jaffer: Are they being given effect to?

(No answer was given.)

FALL IN THE PRICE OF FOREIGN SUGAR.

318. ***Mr. M. Ananthasayanam Ayyangar:** (a) Are Government aware that the price of foreign sugar has come down from Rs. 6-9-8 per cwt. of 16 DS. in March 1932 to Rs. 4-13-0 in November 1934 as published in the monthly account of sea-borne trade?

(b) Are Government aware that such a continuous reduction of prices has adversely affected the indigenous production of sugar?

(c) Do Government propose to increase the import duty on foreign sugar as contemplated in section 4 of Act XIII of 1932?

The Honourable Sir Joseph Bhoze: (a) Yes. The average declared value of imported sugar of 16 Dutch Standard and above as given in the Indian Seaborne Trade Accounts was Rs. 6-9-1 per cwt. in March, 1932, and Rs. 4-13-8 per cwt. in November, 1934.

(b) There has been no adverse effect on sugar production in India, which on the contrary has been rapidly increasing. Production of sugar from cane in modern factories in India has risen from 158,581 tons in 1931-32 to 453,965 tons in 1933-34. Estimated production for the current year is 590,000 tons.

(c) The Government of India have now under consideration certain representations for an increase in the import duty on foreign sugar.

Prof. N. G. Ranga: Are Government aware that the imports of Javanese sugar in India are still increasing in spite of the falling price?

The Honourable Sir Joseph Bhoze: I do not think that that statement is quite correct.

Prof. N. G. Ranga: Has the area under sugar cultivation increased ever since this duty has been imposed?

The Honourable Sir Joseph Bhoze: It certainly has been increasing very materially.

Prof. N. G. Ranga: Has not the rate of increase fallen ever since the imposition of this excise duty?

The Honourable Sir Joseph Bhoze: The excise duty was only imposed last year.

Prof. N. G. Ranga: Since it was imposed, is not the Honourable the Commerce Member aware of the fact that the rate of increase in the area under sugar cultivation has come down?

The Honourable Sir Joseph Bhoze: The rate of increase may have decreased, but there has, I think, been an increase in the area of cultivation.

Prof. N. G. Ranga: Is the Honourable the Commerce Member aware of the fact that this House has passed Mr. Ayyangar's amendment without a division that the excise duty on sugar should be abolished?

The Honourable Sir Joseph Bhoze: When was that done, Sir?

Prof. N. G. Ranga: It was done last week.

The Honourable Sir Joseph Bhoze: Was it not merely to consider the question?

Prof. N. G. Ranga: May I know what action the Government of India propose to take on that Resolution of the House?

The Honourable Sir Joseph Bhoze: I think my Honourable friend had better wait and see what the next Budget brings him.

Prof. N. G. Ranga: Shall we know from the Honourable the Finance Member what he proposes to do in regard to that decision of the House?

(No answer.)

PROPOSAL TO CONNECT THE TIRUPATI EAST STATION WITH MADRAS BY METRE GAUGE RAILWAY.

319. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will Government please state whether there was a proposal to connect the Tirupati East station with Madras by metre gauge railway?

(b) Has the proposal been dropped? If so why?

(c) How much has been spent hitherto on the investigation of the scheme?

Mr. P. R. Rau: (a) Yes.

(b) The proposal was under consideration in 1929 when financial difficulties supervened and it was dropped for the time being.

(c) The line was first surveyed in 1912-13 at a cost of Rs. 67,000. Further investigations in 1928-29 added Rs. 9,000 to the cost.

Mr. M. Ananthasayanam Ayyangar: May I ask, Sir, what the cost of the scheme was?

Mr. P. R. Rau: I do not think that we got any accurate estimate of the cost.

Prof. N. G. Ranga: Is the Honourable Member aware of the fact that the Local Railway Advisory Committee has already complained that the Government have not yet taken up the development of this scheme?

Mr. P. R. Rau: No, Sir; I do not remember having seen any statement of the Local Railway Advisory Committee to that effect.

Prof. N. G. Ranga: Will the Honourable Member care to consult the last report of the Local Railway Advisory Committee?

Mr. P. R. Rau: I will do that with pleasure.

Mr. M. Ananthasayanam Ayyangar: In view of the Honourable Member's statement that 15 crores were to be spent on capital expenditure in the coming year, will he be pleased to take up this scheme?

Mr. P. R. Rau: Government are taking up the re-consideration of all the projects which were considered remunerative, but which were dropped for the time being owing to the financial stringency. If this project is likely to be remunerative, it will be one of the projects that will be re-considered.

SELECTION OF CANDIDATES FOR ADMISSION TO THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

820. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will Government please state how many applications were received by the Public Service Commission for admission to the Indian Audit and Accounts Service Examination held in November, 1934?

(b) How many candidates were actually allowed to appear at the examination?

(c) What was the principle on which the selection for admission to the examination was made? Was admission restricted to first class Honours graduates or M.A.'s with first class, or were second class Honours candidates and M.A.'s also admitted?

(d) Was any differential criterion applied to candidates from different communities?

(e) What period elapsed between the date of intimation of selection to the candidates and the actual date of examination?

(f) Are Government aware that there has been undue delay in the intimation sent to the candidates about their selection or about their rejection?

(g) Why were the candidates who were rejected not informed of the grounds for rejection?

(h) Do Government propose to refund the admission fees of Rs. 7-8-0 in the case of those candidates who were not selected for appearing at the examination?

(i) Do Government propose to consider the advisability of fixing the criterion on which candidates would be selected in future years so that the candidates might not apply in large numbers and get disappointed at non-selection?

The Honourable Sir James Grigg: (a) 810.

(b) 216.

(c) and (d). I would invite the attention of the Honourable Member to rule 2 of the rules applicable to the examination which were published with the Finance Department Resolution, dated the 31st of May, 1934. The Commission did not adopt any rigid criterion based on educational qualifications.

(e) About two weeks.

(f) Intimation was sent as soon as possible. The delay was due mainly to the abnormal number of applications.

(g) The Commission do not give reasons for decisions arrived at in the exercise of discretion vested in them.

(h) The fee of Rs. 7-8-0 was not an admission fee but an application fee, and as the applications were duly considered, it cannot be refunded. An additional fee is paid by candidates who are admitted to the examination.

(i) Government do not consider that it would be practicable to fix such a criterion.

Mr. Mohan Lal Saksena: May I know what is the additional fee that the candidates are required to pay?

The Honourable Sir James Grigg: If accepted for admission to the examination, fifty rupees immediately after the receipt of the certificate of admission and sixteen rupees for examination by the medical board.

Prof. N. G. Ranga: Is the examination periodical or whenever there is a need for recruitment?

The Honourable Sir James Grigg: I am not sure about that.

Mr. S. Satyamurti: Part (d) of the question was:

"Was any differential criterion applied to candidates from different communities?"

Will the Honourable Member give a categorical statement whether these differential criteria are applied to candidates from different communities or they are not applied?

The Honourable Sir James Grigg: My answer was: "that the Commission did not adopt any rigid criterion based on educational qualifications". I had better read out rule 2 of the rules applicable to the examination which says:

"The maximum number of candidates to be admitted to the examination may, at the discretion of the Governor General in Council be limited to such number, not being less than 200, as the Governor General in Council may decide. If the number of candidates exceeds that limit, the Public Service Commission shall select from among the applicants, those who shall be admitted to the examination and in doing so shall have regard to the suitability of the applicants and to the adequate representation of the various Provinces and communities of India."

Mr. S. Satyamurti: I am asking, whether in respect of following that rule, any differential educational qualifications are applied to different communities?

The Honourable Sir James Grigg: I do not know, Sir. The matter is one for the discretion of the Public Service Commission and there is no rigid criterion based on educational qualifications.

Mr. S. Satyamurti: Is there any different minimum qualification prescribed for recruits of different communities?

The Honourable Sir James Grigg: If the Honourable Member will put down a question on the notice paper, I shall try to get an answer.

HARDSHIPS TO YOUNG MEN CONVICTED OF REVOLUTIONARY OFFENCES AFTER THEIR RELEASE IN DELHI AND AJMER-MERWARA.

321. ***Mr. M. Asaf Ali:** Are Government aware that the domiciliary visits and surveillance to which young men convicted of revolutionary offences are persistently subjected after their release in Delhi and Ajmer-Merwara stand in their way of finding employment and resumption of normal life? If so, are Government prepared to take steps to remedy such hardships?

The Honourable Sir Henry Craik: Only such persons convicted of revolutionary offences as are considered to be still dangerous are subjected to police surveillance or domiciliary visits. The local authorities fully realise the difficulty felt by these persons in finding employment, and, therefore, when they are satisfied that the person concerned is no longer dangerous and wishes to resume a normal life, surveillance is at once withdrawn.

Prof. N. G. Ranga: Are Government aware that not only those who are convicted of revolutionary offences, but also ordinary persons are still being harassed by these surveillance officers?

The Honourable Sir Henry Craik: I am not aware of that.

Mr. M. Asaf Ali: Are Government aware that some of these men have been hounded out from place to place without the slightest possible reason for doing that?

The Honourable Sir Henry Craik: Is the Honourable Member referring to Delhi or Ajmer?

Mr. M. Asaf Ali: I am referring to Delhi for the present.

The Honourable Sir Henry Craik: Will the Honourable Member give me particulars?

Mr. M. Asaf Ali: I am referring to Prof. Nigam.

The Honourable Sir Henry Craik: If the Honourable Member will give me particulars outside this House, I will have enquiries made.

Prof. N. G. Ranga: Is the Honourable Member aware that one Honourable Member of this House is being persistently followed by a C.I.D. Inspector and a constable?

The Honourable Sir Henry Craik: Yes, I am myself followed.

Mr. S. Satyamurti: In view of the answer in which the Honourable the Home Member himself admits that Honourable Members of this House are being watched by his C.I.D. people,

The Honourable Sir Henry Craik: I said "I am myself".

Mr. S. Satyamurti: May I know whether the Government realise that, in sending these domiciliary visitors, they are preventing these men from finding employment, and the Government are punishing these people twice over, and after their having fully served their terms of imprisonment for offences of which they were convicted? What is the moral or legal basis on which the Government try to punish the men twice over?

The Honourable Sir Henry Craik: The object of these domiciliary visits is not to prevent a man from having employment, but to find out whether he is living in the same house.

Mr. S. Satyamurti: Do Government realise that the result of these frequent domiciliary visits is that these unfortunate men are unable to find employment?

The Honourable Sir Henry Craik: I have said that the local authorities fully realise the difficulty felt by these persons in finding employment, and, therefore, when they are satisfied that the person concerned is no longer dangerous, their surveillance is at once withdrawn.

Mr. S. Satyamurti: What is the legal or the moral basis for this additional punishment?

Mr. Mohan Lal Saxena: Will the Honourable Member please lay on the table a list of all Honourable Members who are being followed by the C. I. D.?

The Honourable Sir Henry Craik: The only case I know of is the one mentioned by the Honourable questioner. If the Honourable Member will give me particulars of any other cases, I will make enquiries.

Mr. Lalchand Navalrai: May I know if these are revolutionary case prisoners?

Mr. President (The Honourable Sir Abdur Rahim): Next question, please.

WORKING UP OF THE NEW CONSTITUTION BY INDIANS.

322. ***Mr. N. V. Gadgil:** (a) Is it a fact that the Secretary of State for India in Council has stated in his speech before the House of Commons during the debate on the Joint Committee's Report, that he has been assured by the Governor General in India and the Governors that the new constitution would be worked up by Indians?

(b) If so, will Government please state whether the Governor General or the various Governors gave the said assurance after consulting public men?

(c) If the reply to part (b) be in the affirmative, will Government please state what political parties in India were consulted, and state the names of persons so consulted?

The Honourable Sir Kripendra Sircar: (a) I am not aware that the Secretary of State made any statement in the terms mentioned by the Honourable Member.

(b) and (c). Do not arise, but with reference to them I would refer the Honourable Member to the reply given by me to my Honourable friend Mr. Satyamurti's question No. 209 on the 13th February, 1935, and the supplementary questions put to me on the same.

Prof. N. G. Ranga: Is it or is it not a fact that the Rajah Sahib of Bobbili, Sir Muhammad Usman and Sir A. P. Patro have been consulted for Madras for this purpose?

The Honourable Sir Nripendra Sircar: No, Sir; they were not consulted by the Government of India.

Prof. N. G. Ranga: Is the Honourable Member aware that soon after the publication of the Joint Parliamentary Committee Report, these gentlemen hastened to assure the British Government of the readiness of India to co-operate in the working of the constitution based on that Report?

The Honourable Sir Nripendra Sircar: I think the question was limited to what was done by the Government of India or the Governor General in Council and I have specifically answered those questions.

EXPORT OF GOLD FROM INDIA.

323. ***Sardar Sant Singh:** (a) How much gold has left India since England went off the gold standard?

(b) Do Government propose to place any restrictions on the export of gold?

The Honourable Sir James Grigg: (a) I would refer the Honourable Member to the reply given to Mr. Mohan Lal Saksena's question No. 88 in this Session.

(b) I would refer the Honourable Member to the reply given by Sir George Schuster to question No. 340 asked by Mr. B. L. Rastogi on the 1st of September, 1933.

Sardar Sant Singh: Has there been any change in the policy of the Government since Sir George Schuster left the shores of India?

The Honourable Sir James Grigg: In this matter, no, Sir.

Prof. N. G. Ranga: Is the Honourable Member aware that the United States Supreme Court is about to give its decision on the gold clause?

The Honourable Sir James Grigg: I do not quite see how that is going to affect India.

Prof. N. G. Ranga: Will not the decision affect India's interests?

The Honourable Sir James Grigg: I would like to see what the decision is.

Prof. N. G. Ranga: Are Government prepared to face the decision when it comes?

The Honourable Sir James Grigg: I disclaim all pretence to having any powers of prophecy.

COUNTRIES WHICH HAVE PROHIBITED THE EXPORT OF GOLD.

324. ***Sardar Sant Singh:** (a) How many countries of the world prohibited the export of gold since England went off the gold standard?

(b) In how many countries does such prohibition still continue?

The Honourable Sir James Grigg: The Honourable Member will find a list of the countries which abandoned the gold standard between September, 1931, and the middle of 1932 in Table VI of the World Economic Survey for 1931-32. Since then, the United States of America have prohibited gold exports, except under license and have adopted a new provisional party. There are also certain restrictions in force in Germany, Holland, and, I believe, Italy.

Prof. N. G. Ranga: Have any representations been received from various interests in India that gold export from India should also be prohibited?

The Honourable Sir James Grigg: I have seen various suggestions in the Press, but to the best of my knowledge, I have not myself had any specific representations.

Sardar Sant Singh: Do not the same considerations govern the policy of the Government of India in prohibiting the export of gold from this country as govern those countries where the export has been prohibited?

The Honourable Sir James Grigg: Not in the least.

Prof. N. G. Ranga: Are Government aware that this export of gold works harmfully to the best interests of India?

The Honourable Sir James Grigg: No, Sir.

Mr. B. Das: Have Government received representations from various Chambers of Commerce for banning the export of gold from India?

The Honourable Sir James Grigg: I do not remember having seen any representations personally; but I have no doubt that certain Chambers of Commerce have expressed their views on the subject.

Mr. B. Das: Is the Honourable Member prepared to receive such representations from the country?

The Honourable Sir James Grigg: I would refer the Honourable Member to the last part of my answer to the previous question.

Prof. N. G. Ranga: Is the Honourable Member aware that if all the gold that has been exported has been kept in India, the working of the Reserve Bank would have been very much more facilitated?

The Honourable Sir James Grigg: I do not agree with that view in the slightest degree.

SHORT NOTICE QUESTION AND ANSWER.

EXTENSION OF THE LIVES OF PROVINCIAL COUNCILS.

Mr. S. Satyamurti: Will the Honourable the Law Member be pleased 12 Noon. to state:

- (a) whether the Government of India have ever considered since 1933 the question of extending the lives of the Provincial Councils beyond their normal terms of three years;
- (b) what were the facts and reasons which influenced them to recommend the extension of the lives of these Councils;
- (c) whether Government are aware that, in some cases, the lives of the Provincial Councils have been extended to nearly double their normal terms; and
- (d) whether there are any proposals for holding fresh elections to the Provincial Councils in the Provinces; if so, when; if not, why not?

The Honourable Sir Nripendra Sircar: (a) The reply is in the negative. The power to extend the life of a Provincial Legislature is vested in the Governor of the Province by section 72B of the Government of India Act.

(b) Does not arise.

(c) The statement is believed to be correct.

(d) Government have no information.

Mr. S. Satyamurti: May I know if this question was ever considered as an all-India question, in any of these years?

The Honourable Sir Nripendra Sircar: As the question referred to the period since 1933, I shall ask for notice if the question now is whether it was ever considered.

Mr. S. Satyamurti: Was it considered since the termination of the normal lives of the existing Provincial Councils which means three years?

The Honourable Sir Nripendra Sircar: Does my Honourable friend ask me to go back beyond 1933 or to confine me to the period since 1933?

Mr. S. Satyamurti: The later period.

The Honourable Sir Nripendra Sircar: That I have answered.

Mr. S. Satyamurti: May I take it, therefore, that so far as the Government of India are concerned, since 1933 they never had any opportunity of advising the Governor General or considering the question as an all-India one?

The Honourable Sir Nripendra Sircar: The answer to part (a) of the question was in the negative and from that my Honourable friend can draw such conclusion as is justified.

Mr. S. Satyamurti: With reference to clause (d) of the question, may I know whether it is a fact that the Secretary of State is anxious to hold fresh elections to all these Councils, but that the Provincial Governments are against it, specially the Executive Councillors who are I.C.S. men, and who are afraid of losing their jobs?

The Honourable Sir Nripendra Sircar: Not to my knowledge, Sir.

MOTION FOR ADJOURNMENT.

REMOVAL OF BAN FROM THE ALL-INDIA HINDUSTANI SEVA DAL AND THE PREM MAHA VIDYALAYA, BRINDABAN.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Sri Prakasa that he proposes to ask for leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely:

"The refusal of the Government to remove the ban from the All-India Hindustani Seva Dal and the Prem Maha Vidyalaya, Brindaban, as was disclosed in the course of the unsatisfactory answers of the Honourable the Home Member to my questions relating to them on the 14th instant."

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir Henry Craik (Home Member): Sir, a motion for adjournment must raise a definite matter of urgent public importance and it must be restricted to a specific matter of recent occurrence. I submit that there is no matter of recent occurrence that is covered by this motion. The ban on these two Associations was imposed, not by the Government of India, but by the Local Governments which have full discretion under the law to do so, and it was imposed at least three years ago. I submit, therefore, that the motion does not refer to a specific matter of recent occurrence. It refers to a matter which has been in the same state as it is at present for the last three years. I suggest on that ground that the motion is not covered by the rules regarding motions of adjournment.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the motion has arisen out of the answers given by the Honourable the Home Member to the questions put on the 14th of this month. This is the first meeting of the Assembly since those answers were given. The imposing of the ban is one thing; the refusal on the part of Government to lift the ban is another thing. We want to discuss not the imposition of the ban, but the refusal on the part of Government to remove the ban. That is a matter of recent occurrence, and as it relates to an all-India organisation like the Hindustani Sava Dal, it is certainly a matter of urgent public importance and of recent occurrence.

The Honourable Sir Henry Craik: Sir, I may clear up the position by saying that as far as I can recollect, I did not in answering the questions say anything about refusing to remove the ban. It is not within the powers of the Government of India to refuse or to agree. The matter rests solely with the Local Government. I have only corrected the typescript of my replies, but, to the best of my recollection, I never said anything about refusal to lift the ban. I do not even remember that I was asked a question whether Government refuse to lift the ban.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I hope to be able to satisfy you that this Adjournment Motion is in order. That it is definite, there is no denying; that it is a matter of urgency has been shown to you by my Honourable friend, Pandit Govind Ballabh Pant; and that the matter is of public importance also cannot be denied.

Mr. President (The Honourable Sir Abdur Rahim): It is only the question of urgency to which objection has been taken.

Mr. Sri Prakasa: The Honourable the Home Member has just said that this is a matter for the Provincial Government and that he is not concerned with it. That is not what he said on that day. In fact he even went out of his way to say that these institutions were revolutionary.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not appear to be in order in arguing the matter. He should only state his point.

Mr. Sri Prakasa: I have to say this that it is a matter of great urgency, because the attitude of Government is imposing a continuing wrong, and, as long as the wrong continues, it is a matter that must be of incessant urgency. And as the wrong is being inflicted on innocent institutions despite the policy adopted by Government in the case of similar other institutions, we feel that it is a matter on which we can move the adjournment of the House and censure Government.

Pandit Govind Ballabh Pant: Sir, the Honourable the Home Member

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech.

Objection has been taken that this motion is not in order, because it cannot be considered urgent. This ban has been imposed on the two Associations mentioned some time ago and the Honourable the Home Member, therefore, urges that it cannot be said to be a matter of recent occurrence. Rule 12 says:

"and the motion must be restricted to a specific matter of recent occurrence."

The Chair does not see how it is possible for it to hold that it is a specific matter of recent occurrence having regard to the fact that the ban was imposed some time ago. What has been argued in defence of this motion is that it became a matter of recent occurrence and urgency in view of the replies given by the Honourable the Home Member to questions put on this subject. The Chair does not think that that can make the occurrence recent, because the occurrence here is the imposition of the ban and not putting the question and the answer received. The Chair, therefore, rules this motion as not in order.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received a Message from His Excellency the Governor General:

(The Message was received by the Assembly standing.)

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the Honourable Sir Joseph Bhore to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Wednesday, the 20th February, 1935, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways."

(Sd.) WILLINGDON.

Viceroy and Governor-General."

RAILWAY BUDGET FOR 1935-36.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways): Sir, this is the last occasion on which I shall discharge the annual duty of presenting to the Assembly a budget for the Railways of India. The three years during which this task has fallen on me, have unfortunately been part of that period of depression which overtook the world some five years ago. We have spent these years in battling against the effects of shrinking traffic and dwindling receipts. Development and expansion have had to be subordinated to the rigid demands of economy, and hopes of effecting much desired improvements have steadily faded away under the paramount necessity for conserving our financial resources. The prime consideration in these years has had to be the safeguarding of our financial position. We bear, it is true, severe traces of the storm which, we hope, we have at last weathered, but the intrinsic strength of that position is, I venture to submit, unimpaired. This period of trial has, moreover, not been without its silver lining. The need for the pursuit of economy, translated into terms of greater efficiency, has been impressed ineffaceably on Railway Administrations, and the results will, I hope, be permanently reflected in their working.

2. In presenting the budget for 1934-35 this time last year, I drew attention to the improvement that had begun to manifest itself in traffic during 1933-34, and expressed the belief that the steady upward trend in our goods earnings justified us in the hope that, at last, we were fairly on the road to recovery, though I was careful to add that it would be rash to anticipate any rapid progress for some time along that road. On that anticipation the Budget for the current year was framed. The course of events since last February has fortunately borne out those hopes, and we now have additional grounds for an even more optimistic forecast. Though our progress has been slow, it has been steady, and set-backs, though not entirely absent, have been on the whole few and of no serious magnitude.

3. I need not detain the House this year with lengthy explanations of changes in the form of the papers placed in the hands of Honourable Members, because I am glad to say there are none requiring such notice. I might, however, draw particular attention to the graphs included this year in the Budget Memorandum which show, at a glance, the important features of railway finance from the time the Railway Budget was separated from the General Budget. Before I pass on to my main business today, may I suggest to Honourable Members who are new to this House that, when giving notice of cuts, they should follow the practice observed in recent years in the Assembly of indicating the questions which they intend to raise. The obvious advantage of this procedure is that it enables Government members to supply the House with fuller information on the points raised than would be possible otherwise.

Financial results of 1933-34.

4. The Administration Report of Railways for 1933-34 has been in the hands of members for some time, and it is unnecessary for me to deal at length with the results of that year save to say that they followed our anticipations fairly closely. The actual deficit for the year, shown in our accounts, was just under 8 crores. It would have been about half a crore less but for the fact that, owing to holidays at the end of the financial year, a portion of our earnings for the year 1933-34 could not be credited in our accounts until the following year.

Revised estimates for 1934-35.

5. In presenting the budget for 1934-35 we estimated a deficit of $5\frac{1}{4}$ crores, including our loss on strategic lines. For the first time in recent years I am glad to be able to say that the results we have already achieved, justify us in the hope that the year will end appreciably better than we anticipated. The improvement in our traffic receipts has been larger than we allowed for, and, including the $\frac{1}{4}$ crore transferred from last year to the current year, we now estimate our total traffic receipts at $90\frac{3}{4}$ crores against 89 crores originally budgeted for. The working expenses have also increased but to a smaller extent—roughly half a crore. We now estimate our net revenue, taking into account our miscellaneous receipts and expenditure, at about $27\frac{1}{4}$ crores instead of $26\frac{3}{4}$ crores, as originally anticipated. The interest charges are a trifle less than we provided, and our net deficit has been reduced from $5\frac{1}{4}$ crores to $4\frac{1}{4}$ crores, of which commercial lines account for about $2\frac{1}{4}$ crores. This will be met, as in previous years, by a temporary loan from the depreciation fund, the actual balance of which at the end of the financial year will be 11 crores against 9½ crores at the beginning of the year.

6. We are indeed fortunate that our anticipations of traffic receipts have been more than fulfilled. But, though the improvement in goods receipts which we hoped for has been realised, and indeed more than realised, we have seen this year a further fall in our passenger receipts. Part of this is, I have no doubt, due to the reduction of 3rd class fares that we have recently introduced on some of our railways, for, both in regard to the number of passengers and the lead per passenger, the figures for this year are appreciably above the figures for the last year. The results of our experiment on the North Western Railway have not so far been entirely encouraging. During the 12 months following the reduction in fares, there has been an increase of 11 per cent. (6 million) in the number of passengers carried but a decrease of 1 per cent. (4 lakhs) in earnings. The figures are now being analysed in detail by zones, and we shall endeavour to apply the lessons we shall learn from this experiment more generally. I may also add that we have embarked on a somewhat similar experiment on the Great Indian Peninsula Railway of reducing third class fares. On the Eastern Bengal Railway, we have started an experiment of another sort, viz., of issuing third class return tickets at $1\frac{1}{2}$ fares. We naturally hope that the increase of passengers, which we expect as a result of these reductions, will justify them and will be more than enough to counter-balance the immediate loss in earnings resulting therefrom. But, even if these innovations result in no more than a balancing of the position, the greater facilities afforded to a larger number of passengers will have made them worth while.

7. When, however, we turn to our goods traffic, there are definite grounds for congratulation. Except under oil seeds, sugar and jute, the Railways have carried a much larger tonnage, and their earnings have been much higher during the months, April to November, of the current year than in the corresponding period of last year. The increase under coal is over 11 per cent. in tonnage and 12 per cent. in earnings. In rice the increase is 20 per cent. in tonnage and 10 per cent. in earnings. In gram and pulses it is over 30 per cent. both in tonnage and earnings. In metallic ores, the increase is still more remarkable; it is over 40 per cent. in tonnage and over 50 per cent. in earnings. These figures seem to me strong justification for the view that we have definitely turned the corner and that we may now hope once more with some measure of confidence for a period of balanced budgets, so far at any rate as our commercial lines are concerned.

[Sir Joseph Bhore.]

8. While the traffic receipts in the current year, making allowance for the transfer of half a crore from earnings from last year to the current year, are about 3½ crores more than last year, our increased working expenses (excluding depreciation) are expected to be less than ½ of a crore higher. Most of this increased expenditure is due to the necessity for heavier repairs to all kinds of railway assets, including permanent way, buildings, rolling stock and equipment. As has been pointed out in previous years, the reduction in expenditure effected since the year 1931-32 was, to an appreciable extent, necessarily of the nature of postponement of expenditure, and the time has come when these arrears have to be made up. As a result, we have had to spend about half a crore more than last year on repairs. There is, further, the additional cost of coal, staff, etc., required for moving the additional traffic we obtained. All told, however, the estimated increase in working expenses is less than a quarter of the estimated increase in receipts.

9. I gave to the House last year a brief account of the damage caused by those disastrous convulsions of Nature, the Bihar earthquake and the sudden floods in the river Ganges which not only damaged, but threatened with destruction, the protection works of the Hardinge bridge on the Eastern Bengal Railway. We had little material at the time to frame an accurate estimate; but I stated that the cost of repairing the damage might well be between ½ crore and a crore so far as the earthquake went, and between a crore and a half for the Hardinge bridge. It will interest the House to know what our present estimates of the amounts required are. We now anticipate that, during the three years 1933-34 to 1935-36, we shall require about 82 lakhs for the repair of earthquake damages and 137 lakhs for the Hardinge bridge protection works. As regards the latter, the House will be glad to hear that the works already constructed have proved sufficient to withstand all pressure during the flood season of 1934 successfully except for three serious slips which are now being repaired. Though the situation is not entirely free from danger, there is every hope that the steps already taken and those proposed to be taken will be sufficient to protect the bridge, and I may add, the results of the investigations so far made warrant the hope that the additional works required will not be so extensive as was at one time expected. Following the recommendations of the Committee which examined the whole situation most carefully, arrangements have been made with the kind co-operation of the Government of Bombay, which I am glad to acknowledge here, to carry out experiments in Poona with a working model embodying, as far as possible, the actual conditions prevailing. It is anticipated that these experiments will give us most valuable data to guide us for the future.

Budget estimates for 1935-36.

10. Our total estimate of traffic receipts on State lines next year is 93½ crores, against 90½ crores this year, which latter figure includes the half crore I have referred to as due to purely adventitious circumstances. Our total working expenses, including depreciation, are expected to amount to 64½ crores. Including miscellaneous receipts of ½ crore, our net revenue will be 29½ crores; interest charges will be just under 31½ crores, and our deficit will thus be 190 lakhs. A loan of this amount from the depreciation fund will be required with the result that the fund will show an actual balance of 13 crores at the end of the year. Our estimated deficit of 190 lakhs has been arrived at after providing for a deficit on strategic lines of 197 lakhs. On commercial lines alone, therefore, we expect that we shall be able just to balance our budget, our estimate of the final result being a small surplus of 7 lakhs.

11. The course of events for the last 18 months justifies us, we believe, in estimating for the next year an increase in traffic receipts to the extent of 3½ crores, which is the amount by which this year's receipts have exceeded those of the previous year. The steady, almost continuous, improvement shown this year in our goods traffic, and the increase in passenger traffic, though not in earnings, can, in our opinion, be taken as definite indications of a regular upward trend, which may be expected to continue. We desire to avoid undue optimism, and we are therefore allowing only for the same increase next year as we expect to get this year.

12. All signs at present point to a further improvement in the future which is likely to be sustained, if not spectacular. We feel we are justified in giving practical expression to this conclusion by a reduction in certain freight rates, and it is this feeling of confidence in the future which has led to the decision announced a few days ago of a reduction in the surcharge on coal freights. This reduction may be considered small in itself, but taking all the circumstances into consideration, including the fact that the surplus we are forecasting is exiguous, and may with a very slight change for the worse in our traffic turn into a deficit, we do not think we would be justified in going further. The reduction, it is estimated, will, in the event of no increase resulting in the volume of traffic, involve a loss in earnings of over 20 lakhs on the carriage of coal for the public. The maximum of Re. 1 imposed on the reduced surcharge of 12½ per cent. will, we feel sure, be of considerable benefit to long distance traffic on which the burden of the present rate has fallen most heavily. The result will be that the surcharge on all distances above 700 miles will be the same. To take a concrete instance, the surcharge on the freight from the Jherriah Coalfields to Karachi or Ahmedabad or Lahore or Delhi will be the same as the surcharge to Ghaziabad.

13. Our ordinary working expenses we place at a crore and five lakhs above the figure for the current year. Of this sum, 92 lakhs are due to the fact that it has been decided not to reimpose the cuts in pay which were first imposed three years ago as an emergency measure. Apart from the fact that more than half the staff on State Railways are actually Government servants and that Railways have therefore from the beginning followed the policy of Government in this matter, we feel that, with a revival in earnings to an extent that we think will enable us to balance the budget of commercial lines without recourse to the continuance of the cut, we could not, consistently with our pledges, refuse to follow the action taken with regard to other Government servants. The wide discontent among our staff which would have followed any attempt to single them out for specially unfavourable treatment, would, I have no doubt, have resulted in grave detriment to efficiency, if not indeed in serious labour trouble.

14. For the rest, our estimate of working expenses provides for the continuance of expenditure on repairs and maintenance on about the same scale as during the current year. It also provides for a special expenditure of 10 lakhs to re-condition some of our wagons which, though still nowhere near the end of their normal life, have proved very uneconomical to maintain and run. If we can do this at a reasonable cost, it will prove more economical than the purchase of new wagons. The only other point of interest I would like to refer to in connection with our estimates of expenditure, is the proposal to make the Central Standards Office permanent with a somewhat larger staff and to provide an annual grant for research. The valuable work done by this office in standardising articles required for railways with the dual object of making such articles cheaper by enabling processes of mass production to be employed in their manufacture and of encouraging such manufacture in the country

[Sir Joseph Bhore.]

itself, is well known and I need hardly dilate on it at any length here. This organisation has, however, been somewhat hampered in its activities by insufficient staff and inadequate funds for research, and I am glad that, with the improvement in our financial prospects, we have been able to set apart a small sum for the purpose of accelerating these directly remunerative activities.

15. I have referred in my two previous budget speeches to the extent of our contributions to the depreciation fund and the criticisms we were occasionally subjected to on that account. I regret to say that we have not been able to arrive at final conclusions on the wide and complicated question of what should be the theoretically proper allocation of works expenditure between capital and revenue, but, pending such a decision, we have decided, after consultation with the Auditor-General and with the concurrence of the Standing Finance Committee for Railways and the Public Accounts Committee and with the approval of the Secretary of State to simplify our calculations for the depreciation fund by taking the amount to be put by for depreciation as a definite fraction, viz., 1/60th of the total capital at charge. As a result, during 1935-36, the amount that we have to set aside for depreciation will be 13½ crores, about 45 lakhs less than during the current year.

16. I must emphasise at this stage that this decision has been taken purely from the point of view of simplification of procedure and should not be treated as indicative of the final views of Government on the general question of the amount which should be provided for the purpose required. The fraction adopted has been selected to yield as far as possible the same results as the older complicated calculation. In the first ten years, the average annual contribution under the old method was 12.17 crores and under the new method it would be 12.10 crores.

17. I have in previous years expressed my confidence in the essential strength and soundness of the financial position of Indian Railways notwithstanding the successive deficits since 1930-31. The results of the last year and the estimates which I am placing before the Assembly today have, I make bold to claim, justified that optimism. A review of results, if it is to be of any value, must extend over a sufficiently lengthy period to eliminate the distorting effects of temporary causes and give a true picture of the whole. Taking broad results, it will be seen that in the 12 years ending with 1935-36, 6 years of prosperity and 6 of adversity, the net results of the working of all State-owned lines, commercial and strategic, will, if our present estimates prove correct, be a surplus of 14 crores and an accumulated balance in the depreciation fund of 41½ crores. In other words, during this long period of varying fortune, we shall have earned a net income of over a crore a year after meeting working expenses, providing for accruing depreciation and paying interest in full on borrowed capital.

18. Our programme of works expenditure for 1935-36, though more extensive than in the last few years, is still far below the programmes of the pre-depression period. We are providing 15 crores of which ¼ crore is for new construction and 44 lakhs for the purchase of the Amritsar-Pattikasar Railway, a line 55 miles in length, which is owned by a private company and can be purchased, on remunerative terms, as from January next. On improvements of the open line, we expect to spend the balance of 14½ crores. In order to meet the larger traffic expected, we are purchasing about 5,000 wagons, of which 4,250 will be general service wagons to be added to our pool. The total cost of these wagons is expected to be 2½ crores.

19. Of new works, I need mention only a few. The construction of the Megna Bridge on the Assam Bengal Railway is a work of great importance as ensuring uninterrupted communication between Eastern Bengal and Assam. The extension of the electrified suburban section of the Bombay, Baroda and Central India Railway from Borivli to Virar will not only be of great convenience to the public, but is expected to be highly remunerative. There is a third project for which we are providing a small sum but which it has not yet been definitely decided to build, viz., the Karaikudi-Melur-Madura line in Southern India. It appears likely from a detailed examination to be sufficiently remunerative to warrant construction. It was, moreover, placed some time ago by the Madras Government high up on their list of recommended lines, but, before we come to a final decision, we propose to follow the procedure recommended by the Transport Advisory Committee and shall first refer the question of its construction to the Madras Government for their advice in consultation with the other interests concerned. In following this course, we hope to initiate the practice of friendly consultation between the authorities concerned with a view to the most economic development of communications in the best interests of the country as a whole for which the railways will always stand.

20. I have endeavoured to set out without embellishment the bare facts in regard to our financial position, but this somewhat cold recital gives no indication of the human effort which has gone to secure the result. I need not apologise for repeating an appeal I have made more than once for a fair assessment of the difficulties which Railway Administrations have to face and of the manner in which they have endeavoured to overcome them. It seems to me that no organisation, public or private, is brought into such close, such intimate and such continuing contact with the public as the Railway Department. It is, so to speak, continually and ceaselessly on its trial, literally every minute of the day and every day of the year. In these circumstances, it is not surprising that occasions should arise for legitimate criticism. The only consolation is that those occasions do not arise more often. I would ask the public sometimes to glance at the other side of the picture, at the organisation, the forethought, the unremitting care, the technical skill and the devotion to duty, on the part of the lowest to the highest official, which are essential if the railways of India are to meet effectively and efficiently the administrative and economic needs of the country. I should be guilty of ingratitude if I failed to acknowledge the work which all ranks of Railwaymen have done during a period of exceptional trial and the spirit in which they have met the heavy calls made upon their patience and endurance during the lean years through which we have passed. If I single out two names, viz., those of Sir Guthrie Russell, the Chief Commissioner, (Cheers) and Mr. P. R. Rau, the Financial Commissioner, (Cheers) to couple with a special expression of acknowledgment, it is because they have been in almost daily contact with me and I owe much to their unfailing courage, under the most depressing circumstances, their sound judgment and their extraordinary capacity for work. A personal tribute of this nature is, I think, permitted to an outgoing Member.

21. I would like to conclude with a reference to the future of Railways in India. There is an impression, I believe, that, entrenched behind a position which was once of considerable advantage, they resent all encroachment upon what they regard as their own peculiar sphere and refuse to advance with the times and forge new and more effective weapons to meet attacks which modern developments have made possible. Whatever may have been the attitude of Railways in the past, I have no doubt that they are now fully

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alive to the need for a re-orientation of their administrative policy and methods. I have never ceased to lay emphasis on the necessity for this and have lost no opportunity of impressing it on those responsible for the administration of railways. A passage from my last address to the Railway Conference may be of interest and will at least be useful as helping to secure the emphasis which comes of iteration. It runs as follows:

"The competition which Railways are experiencing at the hands of rival means of transport has been engaging our very serious attention now for some time. It is not a passing phase. It is a permanent challenge which will grow in intensity and which will, I believe, be felt eventually in fields not yet seriously threatened. The projected developments in Civil Aviation in India are significant, and I would ask you to remember that the impossible of today is the commonplace of tomorrow. Scientific research may, quite conceivably and perhaps sooner than we imagine, cut down by a substantial margin today's operating costs of motor transport. Whatever may be the strictly narrow railway view of such competition, present and prospective, we must all admit that in the larger interests of the country it is good that it should exist, for only through such rivalry can the public be assured of the maximum efficiency in service at a minimum cost. Apart from everything else, such competition is inevitable, and there is only one sound method of meeting it. So long as Railways do not live in the past, so long as they endeavour strenuously to meet fully, efficiently and effectively the ever varying demands of the present and yet keep their eyes searchingly on the future and its possibilities, so long and no longer will they endure successfully."

If the ideal of Indian Railways is to secure the highest efficiency at the lowest cost, they will continue for many a long year to come to serve this country's needs as successfully as in the past. It has been my endeavour to keep that ideal before them. (Loud and Prolonged Applause.)

ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two members to sit on the Governing Body of the Indian Research Fund Association."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two members to sit on the Governing Body of the Indian Research Fund Association."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of members to the Governing Body of the Indian Research Fund Association the Notice Office will be open to receive nominations up to 12 Noon on Wednesday, the 20th February, 1935, and that the election, if necessary, will be held on Friday, the 22nd February. The election which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in the Secretary's Room between the hours of 10-30 A.M. and 1 P.M.

THE CODE OF CIVIL PROCEDURE (THIRD AMENDMENT) BILL.

(AMENDMENT OF SECTION 60.)

The Honourable Sir Henry Craik (Home Member): Sir, I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908 (Amendment of section 60) for certain purposes.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908 (Amendment of section 60), for certain purposes."

The motion was adopted.

The Honourable Sir Henry Craik: Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 51.)

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That the Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section 51*), for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Sir, the object of this Bill is one which I hope will command sympathy on every quarter of this House. To put it briefly, it is to save the honest debtor who is unable to pay from the indignity of imprisonment. It abolishes imprisonment for debt except in the case of the recalcitrant debtor, that is the debtor who is able but refuses to pay.

This particular Bill is the result of a recommendation of the Royal Commission on Labour. If Honourable Members will look at page 232 of the Report of that Commission, they will see the precise recommendation made. But, as a matter of fact, the underlying idea is one of much earlier growth. So long as 1886 the Government of India introduced a Bill with the same object as the Bill which I am now bringing before this House, but, at the time, neither Local Governments nor public opinion in the country generally were prepared to go quite as far as that: it is to say, public opinion generally was not in favour of the abolition of imprisonment except for recalcitrant prisoners, and though that Bill did become law in a modified form, it did not include any provision to that effect.

The position today is very much the same as it was left in by the legislation of 1886. Broadly speaking, the law lays down that the period of imprisonment must be limited, in the case of the smaller debts to six weeks and in the case of debts of over Rs. 50 to six months; that only those debtors can be imprisoned; and that the Court has power but is not compelled to give the debtor, before it orders imprisonment, a chance of showing cause against being imprisoned, and if he gets that chance of showing cause, and, if the Court is satisfied that he ought not to be

[Sir Henry Craik.]

imprisoned, the Court has discretion to disallow the application for his imprisonment. I think it is possibly right to say that the framers of the present provisions of the law hoped that the imprisonment of debtors would very rarely be enforced, because it would not, as an ordinary rule, be in the interests of the creditor to imprison his debtor, and, broadly speaking, it was hoped that the use of the power of imprisonment for debt would not be used in an unfair way or to the harassment of the debtor. If I am right in thinking that that was the hope of the framers of the law, I am afraid I am equally right in saying that their hope has been disappointed. The main reason probably is that the law does not make it compulsory on the Court to give the debtor an opportunity of showing cause why he should not be imprisoned. It is discretionary only with the Court and not compulsory, and in practice warrants for the arrest and detention of the debtor are frequently issued without his having any such opportunity of showing cause. Indeed they are often issued before any attempt is made to realize the debt from the debtor's property, as opposed to his person, or even to ascertain whether he has any property from which the debt could be realized. In fact, an application for the seizure and imprisonment of the debtor's person has become in certain provinces an almost ordinary feature of execution proceedings.

In support of that, I would like to quote a ruling of the High Court in my own province, a ruling which has excited considerable comment and which has shaped the attitude both of the High Court and of subordinate Courts in this very important matter since it was delivered in the year 1925. The ruling in question will be found in Volume VI of the Lahore series of the Indian Law Reports at page 548. The Chief Justice said:

"The statutory law leaves no doubt whatsoever that it is for the judgment-creditor to decide whether he should execute the decree for the payment of money by the arrest of the judgment-debtor or by the attachment and sale of his property or by both",

—and a little later on he observed:

"The Legislature has consequently provided for the execution of a decree for money by the arrest of the judgment-debtor, and there is neither justice nor equity in forcing the judgment-creditor to proceed against the property, a remedy which is not only dilatory but often proves infructuous, when he has the right of availing himself of any efficacious mode of recovering his lawful due."

And I would ask the House to listen to the remarks of the other Judge who was sitting on that Bench, who stated:

"In these circumstances, any tenderness towards the judgment-debtor on the part of the executing court is not only mis-placed but is entirely opposed to the law. Except in cases where the judgment-debtor has no property, I would go so far as to say that, far from being discouraged, the decree-holder should be encouraged to proceed both against the property and the person of his debtor simultaneously and the refusal of the executing court to grant both the reliefs at one time should be the exception and not the rule."

Now, Sir, that observation has given rise to a great deal of criticism which has frequently found expression in the debates of the Punjab Legislative Council. It has also been greatly criticised in the Press and elsewhere; and I am bound to say that, speaking with all respect to the High Court, it indicates an attitude which I for one find it extremely difficult to defend.

It is sometimes asserted that a creditor has no interest in securing the imprisonment of his debtor, because he has nothing to gain from that, while he has a chance of recovering his debt by the attachment of the property. But that view is not really borne out by experience, and it seems to me that it is much more common to find that the creditor has insisted on the imprisonment of his debtor either in the hope of evading the law which protects certain necessities of life from attachment, that is to say by putting such pressure on the debtor that, in order to obtain his release from prison, he parts with those necessities of life, or else, it is prompted by a desire to force the relations of the debtor, against whom of course the creditor has no moral or legal claim, to force the relations of the debtor to pay up in order to get their relative out of jail. And in some cases it is used, I think I am correct in saying, in order to gratify personal spite or malice. Some years ago the Madras Government directed an inquiry into this matter and they appointed to conduct that inquiry a very experienced judicial officer, now I think a Judge of the Madras High Court. He found that in most cases, where the debtor was imprisoned, the action of the creditor was inspired by one of these three reasons: that is to say, either to force the debtor to sell the necessities of life which under the law are exempt from attachment in order to meet the debt, or, secondly, to force his relatives to pay up to secure his release, or, thirdly, to gratify some private spite or malice. I myself have had opportunities, during my frequent inspections of jails, to question civil prisoners on this matter. In fact, whenever I found that there were civil prisoners in the jail which I was visiting I made it a rule to try to find out what were the circumstances in which they were imprisoned and I am satisfied—though of course I admit I only heard their side of the case—that in 90 cases out of 100 there was no question of recalcitrance or evasion but the men were genuinely unable to pay their debts. I think it will be agreed that when a man is genuinely unable to pay his debt, it is not equitable nor is it a proper principle that he should be imprisoned. The principle was stated by Sir Courtney Ilbert in the Statement of Objects and Reasons of the Debtors Bill of 1886, to which I referred in my opening words, and it may interest the House if I quote his statement of the principle which should in my opinion regulate these matters. Sir Courtney Ilbert's words were:

"The Courts ought not to give effect to any pledge by a debtor either of his person or of the bare necessities of life. The debtor ought not to be allowed by his own action, supplemented by the action of the Courts, either to deprive himself of his personal liberty or to reduce himself to starvation. If he cannot obtain credit except on one or other of these securities, it is better that he should not obtain credit at all."

Sir, I referred just now to the fact that the present Bill is the outcome of a recommendation of the Royal Commission on Labour.

1 P.M.

Actually, their recommendation was a somewhat narrow one and limited to persons engaged on industrial work. The present Bill goes further than that and its benefits will affect all classes of debtors, whether they are industrial workers or agriculturists or anything else. I should explain that the recommendation of the Royal Commission on Labour was so limited not because they thought that industrial workers were the only class which should be safe from imprisonment if they were genuinely unable to pay, but because the scope of their inquiry was limited to questions connected with or arising out of labour.

[Sir Henry Craik.]

Sir, the principle embodied in this Bill has been submitted in a general form for the consideration of Local Governments, of the public and of those who administer the law, and I think I may say that it has commanded a very large measure of approval. That approval is not, of course, universal. There are certain interests which are opposed to any relaxation of the law regarding debtors, but speaking generally I should say that the weight of public opinion is behind this Bill. It has also been discussed widely in the press and it is significant that papers of very varying shades of political opinion are agreed in giving general approval to the principles of the Bill. I might mention the names of the newspapers, *the Hindustan Times*, *the Civil and Military Gazette*, *the Hindu*, *the Star of India*, *the National Call*, *the Leader*, *the Pioneer*, *Capital*, *the Bombay Chronicle* and *the Tribune*. I think the House will agree that that is a collection of newspapers that are usually apt to differ very widely, but, on this subject, they are unanimous in approving the Bill.

It is desirable that this Bill, if it commands general approval from all quarters of the House, as I hope it will, should become law as soon as possible. I feel, however, that it will carry public opinion more definitely behind it if it is circulated in detailed form. So far only the principle underlying it has been circulated, but it should now be published in more detailed form for the careful consideration of the public generally and of those who have to administer the law. As this is a subject of considerable intricacy and importance, I think the House will be in a better position to deal with the Bill when they have the benefit of seeing the opinions of those who will be consulted.

Sir, I beg to move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section 51*), for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Notice has been given of an amendment to this motion by Mr. K. L. Gauba. The Chair would like to know whether the Honourable Member wishes to move his amendment.

Mr. K. L. Gauba (East Central Punjab: Muhammadan): Sir, in view of the statement of the Honourable the Home Member that he proposes to proceed with the legislation as speedily as possible, I will not move the amendment, but I will support the Bill as soon as you will allow me to do so.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section 51*), for certain purposes, be circulated for the purpose of eliciting opinion thereon."

(Cries of "Ayes" and "Noes.")

The Chair thinks the "Ayes" have it?

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): No, Sir.

Mr. N. M. Joshi (Nominated Non-Official): Sir, we did not follow the motion when you were putting it.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member (Prof. N. G. Ranga) want to speak on the motion?

Prof. N. G. Ranga: Yes, Sir, I want to speak on the motion.

Mr. M. S. Aney (Berar Representative): When the question is put, no discussion is permitted and the question has already been put by the Chair.

Mr. President (The Honourable Sir Abdur Rahim): Prof. N. G. Ranga.

Prof. N. G. Ranga: Sir, from what the Honourable the Home Member has said in support of this Bill, I gather that the Government really are in no doubt at all about the possible support that this Bill might get for itself in this country. The Honourable Member himself has stated that he has satisfied himself that most of those people who had been committed to a civil debtors jail have been sent there because, of their genuine inability to pay. He also stated—and I am glad he has so stated that the general principle of this Bill has already been placed before the public and the public on the platform and in the press have expressed their whole-hearted support for this Bill. He has also made it perfectly clear that the various High Courts have been complaining that the original intention of the framers of the original clause making it possible for the Courts to send the debtors to the civil debtors jail has been frustrated, because, it has become almost a general practice that Courts send even honest debtors, civil debtors, to jails, merely because they have found themselves unable to pay their debts in time. In view of these things, I really cannot understand why the Honourable the Home Member is so very anxious to send this Bill for circulation. Whatever this Government try to do, they seem to be anxious to do it half-heartedly. Even when they want to do a good thing, they do not want to do it quickly or readily or whole-heartedly. This Bill has been very badly needed. This is a protection which has been clamoured for by the masses all over the country, and I must really congratulate the Honourable the Home Member for trying to be more liberal than the Labour Commission itself, having gone to the extent of bringing the agriculturists and the agricultural workers within the ambit of this Bill. Why should he be so anxious to send this Bill, this short and sensible Bill, this very necessary Bill and a very useful Bill for circulation? Is it because, Sir, that he is anxious somehow or other that he should not be blamed by some partisans of his own Province, the Punjab, that he is trying to advocate the cause of honest debtors, or is it because that newspapers like the *Daily Herald* of Lahore go on accusing him of trying to be partial to the debtors, or is it because that he is anxious to throw the whole blame on Local Governments, on the High Court Judges and on the Advocate Generals in the provinces that they themselves are in favour of it, and, therefore, he is not to blame if he is in favour of it and if it is placed on the Statute-book? I submit that the Honourable the Home Member does not do justice to himself or to this House by following this circuitous policy. I

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am sure, the agricultural workers will be grateful to him as well as to the Government, though for all other reasons we are out to defeat this Government if not to destroy it. I am sure, the agricultural workers will show their gratitude if only the Government will take courage in both hands and ask the leave of the House to commit this Bill to a Select Committee. But the Home Member is not going to do that and that is why, I rise here to oppose this Bill *in toto*, with the hope that the Honourable the Home Member will see it fit to come forward again with his proposal that the Bill should be referred to a Select Committee.

In America, in Germany, and even in England, a moratorium was found necessary and a moratorium was declared in order that debtors might be helped and might be saved from ruinous actions of the creditors. In this country, we find the Government has not done anything at all. In this country several persons have been asking for timely action, yet the Government of India would not take action and the Honourable the Law Member was saying the other day, in answer to my question, that they had never given an assurance at all to agriculturists and that it was entirely a question for the Provincial Governments to be tackled with and so on. Yet, from the information he has supplied to me in answer to a question, it is clear that two or three Provincial Governments have tried to do their best to save these debtors from utter ruin, but that other Provincial Governments are groping in the dark and that they are really unwilling to do anything to save these agriculturists from their indebtedness. The Honourable the Home Member himself has admitted that he has seen large numbers of people, I mean, civil debtors in jails who were genuinely unable to pay. I can personally testify to the accuracy of the fact that not hundreds, but thousands of people have been committed to civil jail, not because these debtors are dishonest, not because they are unwilling to pay their debts, not because they want to defraud their creditors, but simply because they are not able to pay their debts.

I have already quoted the example of President Roosevelt of America and I will quote his example again for the edification of the Home Member, and I will say that President Roosevelt has been able to achieve wonders in the last three years and he has worked out a wonderful programme of work in that country known as NIRA, and by his system of reconstruction he has been able to help his peasants and agricultural workers, the industrialists as well as industrial workers, from ruin and yet our Government is saying, "we cannot do anything". But even when the Government of India think of doing a slight thing, as in the present Bill—I think there must be a sort of curse on this Government—even when they intend to do a good thing, they cannot do it whole-heartedly, merely because there is somewhere something wrong with this Government . . .

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Then why does not the Honourable Member move an amendment himself?

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to speak much longer?

Prof. N. G. Ranga: Yes, Sir, for five minutes more.

Mr. President (The Honourable Sir Abdur Rahim): Then, the House stands adjourned till Half Past Two.

The Assembly then Adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Prof. N. G. Ranga: Sir, the Honourable the Home Member has made it perfectly clear that for one or the other of the three reasons which he has given, most of these creditors move the Courts to send many of these debtors to the civil debtors' jail. One of the reasons is personal spite. In ordinary circumstances it may be that quite an appreciable number of people are committed to the civil debtors' jail for this reason; but during the last three or four years, it is not for this reason mainly, but for the other reason that because the creditors have been anxious to collect in a frantic manner as much of their money advanced to the rural indebted peasants and others that they have resorted to these proceedings. And in their anxiety to realise their dues and to force the debtors to pay back their sums, they have not scrupled even to persuade the Courts to send hundreds and thousands of debtors to jail. When rural peasants and rural workers and even industrial workers borrow money from the creditors, it is not, I submit, with the intention of not paying these debts back and of not being honest or anything like that. They borrow money with the intention of paying it back with interest and, I submit, very often at a high rate of interest, ranging up to 50 per cent. in many cases. Yet, because of the economic depression, large numbers of them, thousands and lakhs, have become absolutely unable to pay back their dues. Their lands have become unproductive, and also unsaleable, the price of their produce has gone down very seriously, and in many cases they find themselves face to face with starvation and famine; and these people have been committed to jail. When they are sent to jail what is the satisfaction, and what are the feelings of these people? When we, civil resisters go to jail, we feel the satisfaction that we are serving the country and we also have a feeling that our compatriots in the country are admiring us for our sacrifices, and, therefore, we feel happy when we are in jail. But these poor rural workers and industrial workers when they go to jail have no such consolation. They feel that their creditors have dealt with them very badly, that they are their enemies, that they and their families are being looked down upon by the creditors as well as their neighbours. Suffering as they do, they would be up to any step in order to bring themselves out of these jails. Many of them have been obliged to present insolvency petitions in order to get out of these jails and many more of them have been obliged to persuade their families and relations to barter away their assets in order that they might come out of these jails. In these circumstances, I put this question to the House: Is it fair that we should allow these thousands of people who have been put into jail unjustly and unfairly by those who have really no legitimate case at all to put them into jail, to remain in the jails? I am sure that if this Bill were to be passed into an Act, very shortly, in a

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month, in a few days or a few weeks, all these people will be able to come out of these jails and will be able to pay back their dues also. As the Honourable the Home Member himself admitted, most of them are really anxious to pay back their debts and yet they are unable to pay them back. Most of them have begged their money-lenders to give them some time so that they can pay back these debts but they would not give any time. They wanted time till the prices of their produce and their land rose but they were not given this time. Therefore, Sir, we should not refer this Bill to circulation and thus give these unreasonable, unjust and heartless creditors, a chance of keeping these people in jail for another five or six months. I should have very much liked to move an amendment to the effect that this Bill be referred to a Select Committee and not sent for circulation. But, unfortunately, I came to know only yesterday evening that the Honourable the Home Member was going to move that the Bill be circulated, and naturally I have not had sufficient time to give notice of my amendment. I, therefore, suggest to the House that if it is so minded, it can request you to give leave and make it possible for the Home Member to withdraw this Bill and to bring it back very soon with the suggestion that it should be sent to a Select Committee, or at least, even now to change his motion in such a manner that instead of sending it for circulation it may be sent to a Select Committee. And I appeal to you also, Sir, that in view of the urgency of this matter and in view of the sufferings of all these people who are put in jail, unjustly and unfairly, you should try to see whether you should not waive the usual standing order and give a chance to this House to send this Bill to a Select Committee and get it passed into an Act as soon as possible. If neither of these two courses is possible, I would humbly suggest to this House and also to the Honourable the Home Member that he should try to expedite this unwanted circulation as much as possible and get it back in as few weeks as possible so that at least when the House meets next time it may have an opportunity of passing this into an Act. With these remarks, I submit for the consideration of this House that this Bill is a good one but it does not go far enough and the procedure proposed to be adopted by the Home Member is really not advisable and is not in the best interests of the masses of this country. This Bill should be adopted by the people while the procedure proposed by the Home Member should not be adopted.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, I congratulate the Honourable the Home Member on having brought out this Bill, after it had been proposed several years ago by the Royal Commission on Labour. We all know that he is a great friend of the poor generally and of the agriculturists in particular, and enjoys the confidence and respect of all classes. I am glad that it should have fallen to his lot to help the agriculturists and the poor debtor here within such a short period of his having assumed charge of his responsible office. But while congratulating the Honourable the Home Member, I cannot help paying a tribute to the attitude that has been taken by the Opposition in this House.

Mr. N. M. Joshi: What else did you expect?

Captain Rao Bahadur Chaudhri Lal Chand: I expected the old story. The Honourable Prof. Ranga in his speech has made it clear that they all stand for the poor and for the agriculturist and that their professions are no empty words. They have made a very good gesture. I may point out to him and to his Party that there was a suspicion in some quarters, when we saw so many capitalists and people belonging to the money-lending classes in that Group, that we may not get that amount of whole-hearted support from the Congress Group; but I am glad they have really given proof of the fact that they mean business this time. . . .

An Honourable Member: Business always.

Munshi Iswar Saran (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): Will you join us now?

Mr. M. S. Aney: The Honourable Member is dreaming, not speaking.

Captain Rao Bahadur Chaudhri Lal Chand: I want you to wake up. Sir, perhaps no Bill will command such unanimity from all sides of the House and such a large measure of co-operation as this one will and my only complaint against the Government is that they have come after a great deal of mischief has been done during the last five years of depression. Any number of people who are really unable to pay their debts and are honest debtors are rotting in jails at the present moment; and, as has been pointed out by Prof. Ranga, efforts should be made to expedite this Bill, and, if possible, formality should not stand in the way of its being expedited.

Why are debtors sent to jail? They are generally sent to jail in order to bring pressure upon their relatives and friends. I have a fairly long experience of my practice at the bar, and I can quote any number of instances of people who have been sent to jail, not because they were unwilling to pay their debts, but simply because they were unable to pay their debts. They had no property, and, therefore, this was an effort on the part of the decree-holders to get money out of their relatives and friends, which is a most coercive measure and the sooner it is stopped the better.

An Honourable Member: Why do they not pay?

Captain Rao Bahadur Chaudhri Lal Chand: Why did you lend? People should lend with open eyes. It is for the lender and not for the borrower to see that the man is in a sound position, and, if afterwards it appears that the man is not sound, it is he who should suffer and not the borrower. You are trying to get money, as we say, out of his skin; it is the skin of that man that is being extracted if you send him to jail.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Have you ever been a creditor?

Captain Rao Bahadur Chaudhri Lal Chand: Thank God, I am not in that position. I will give you an example to show how they work. (Interruption.) Please wait. As I said just now, I could quote many examples, but only one will suffice to convince this Honourable House as to how things are being worked in my unfortunate province. There was an agriculturist, about 75 years old, and a suit was brought against him for Rs. 3,000. As after his death the money could not be recovered

[Captain Rao Bahadur Chaudhri Lal Chand:] and his sons could not be sent to jail, because there could be no personal liability, therefore the son was also implicated along with him. The real borrower was very old; and a decree for Rs. 3,000 was passed against him and his son. After one or two processes in execution, both the son and the father were brought before the Court, and what does the man say? This old man says: "I possess 150 bighas of land out of which 40 bighas is under mortgage. I possess no other property. I cannot pay even the land revenue. Out of my land, whatever amount you wish to leave for my subsistence, that may be left out, and the whole of the rest may be given over to the decree-holder." Now, what does the decree-holder say? He says: "I am not prepared to take his lands for twenty years (*as is the law in my province*). This offer was made by the judgment-debtor even at his house. He has three houses: out of those three he was prepared to give me two in addition to the land: but I do not wish to take any of these things. I want hard cash." This is the statement that the creditor gave in Court, and the method he suggested was that if the judgment-debtor wanted really to satisfy his decree, he should sell all his property including land and then pay hard cash. This old man of 70 was prepared to part with his land and with two out of his three houses, when he possessed nothing else; but the learned Judge wrote: "Even if he cannot sell the land for want of buyers, which I have some hesitation to believe, he cannot be said to be a poor man, and, therefore, he must be sent to jail." Sir, both the son and father were sent to jail.

Sir Cowasji Jehangir: What happened to the houses?

Captain Rao Bahadur Chaudhri Lal Chand: They were not attached: the decree-holder would not accept them: he would not accept anything except hard cash. The man was sent to jail for six months, and, six or seven days after his release, he died—probably he was brought out of jail, because he had fallen ill there. This is one case and there are any number of cases like that. This man could apply to be declared an insolvent and he would have been saved. He would not have been sent to jail. His land and his houses would have been saved. Even his cattle would have been saved as under section 60, all the exemptions would have been allowed; but he was an honest man and was prepared to pay and to accommodate him to the extent of giving him two out of the three houses. But this man would not accept, and the judge held that he was not a poor man, and, simply because of that, he was sent to jail.

Now, Sir, the Honourable the Home Member has quoted one ruling from the judgment of our High Court. Very few cases of this type go to the High Court, because poor people cannot go there and most of this mischief is being done in the lower Courts. Now, Sir, so long as the recruitment is made from the classes which do money-lending business, it is impossible for this Legislature to enforce its will upon these Courts. This is not all. As has been pointed out by Prof. Ranga, it is a half-hearted measure and discretion has been left to the Courts. My fears are that discretion will always be exercised in favour of the decree-holder. Now, Sir, to give an idea of the manner in which recruitment is made to the Judicial Department, I have in my hand a consolidated statement showing the proportionate representation of various communities serving in the departments of the Punjab Government as it stood on the 1st January, 1934. In the Executive Branch we have got,—I am taking the case of Hindus only,—we have got.

Mr. President (The Honourable Sir Abdur Rahim): What bearing has it got on the question under discussion?

Captain Rao Bahadur Chaudhri Lal Chand: I am showing that the discretion left to the Courts by sub-clause (b) will always be exercised in favour of the decree-holder, because the people who have been recruited from their ranks will always side with them.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair cannot allow reflection on the Judges.

Captain Rao Bahadur Chaudhri Lal Chand: Very well, Sir; then my submission is that no discretion should be left to these Courts, and that Government should come forward with a proposal that civil imprisonment shall not be awarded in lieu of money decrees, and that that alone will satisfy this House, and not these half-hearted measures which have been brought in this House, six or seven long years after the Royal Commission made their recommendations. If Government want to make a gesture to the poor agriculturist, they should come forward whole-heartedly, and not with this sort of half-hearted measure by which they give discretion to people who belong to the monied classes. Sir, blood is thicker than water, and, therefore, my submission is, that they will always follow the lead given in the ruling that has been so ably quoted by the Honourable the Home Member. I hope the Honourable the Home Member will agree with Prof. Ranga's suggestions, that everything will be done to expedite the passage of this Bill, and that when the Bill reaches the Committee stage, he will agree to the discretionary power of the Courts being taken away, and a mandate being given by this House that in future there will be no civil imprisonment in lieu of a money decree. With these few words, Sir, I support this motion.

Mr. Fakir Chand (Jullundur Division: Non-Muhammadian): Sir, I rise to speak against the motions of my friend, Mr. Ranga Iyer, as well as of my friend.

Prof. N. G. Ranga: Sir, I am not Ranga Iyer.

Mr. Fakir Chand: I am sorry for the mistake. (Laughter.)

I rise to oppose the suggestion of Prof. Ranga that the Bill be not circulated. I have also to oppose the motion of my friend, Rao Bahadur Chaudhri Lal Chand, who, as a matter of fact, applied the principle of *caveat emptor* to borrowers, although my friend has been a lawyer all his life. But so have I been,—I never heard of the principle of *caveat emptor* being applied to borrowers who raise money on their personal credit today and refuse to pay it the next day. Well, so far as the Honourable the Home Member is concerned, I am afraid I cannot congratulate him on bringing forward this motion. So far as this Bill is concerned, if he had merely confined it to certain classes of labour as recommended by the Royal Commission, it would have been quite all right, but the Honourable Member makes no distinction between class and class. All classes of debtors, whether they reside in cities or in towns, whether they ride in motor cars every day.

An Honourable Member: He is equally an honest debtor.

Mr. Lalchand Navalrai: I asked Rao Bahadur Lal Chand if he had been an honest creditor.

Mr. Fakir Chand: Sir, I appeal to the Honourable the Home Member to withdraw this Bill for two reasons. First of all, in the Civil Procedure Code, we have a provision to the effect that it is the inherent right of a creditor to realise money by civil imprisonment. That is an inherent right. That is a right which the Legislature has given, and now you are taking away that right. We had the Civil Procedure Code of 1882, we had also the Civil Procedure Code of 1908, which gave that right, and now by one stroke of the pen, that right is proposed to be taken away. Sir, I submit, to make it applicable to all classes is against all canons of justice. So far as honest debtors are concerned, there is a provision in the Civil Procedure Code, Order XXI, Rule 40, which says this:

"Where a judgment-debtor appears before the Court in obedience to a notice issued under rule 37, or is brought before the Court after being arrested in execution of a decree for the payment of money, and it appears to the Court that the judgment debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalment thereof, the Court may, upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and detention, or directing his release, as the case may be."

But unfortunately this Bill presumes that every debtor who does not pay is presumed to be an honest debtor, and, therefore, the burden lies upon the creditor to prove that as a matter of fact the debtor has been recalcitrant or dishonest. This is turning the tables upon the creditors who, as a matter of fact, advanced money to debtors under the old law under which it was quite legitimate for a creditor to ask for repayment and enforce realisation by civil imprisonment. Therefore, the House will realise how unjust this measure is, and if Honourable Members will refer to the *Explanation* of clause 2, that makes the position all the worse. There is an *Explanation* at the end of clause 2 which says:

"In the calculation of the means of the judgment-debtor for the purposes of clause (b), there shall be left out of account any property which, by or under any law for the time being in force, is exempt from sale in execution of the decree."

It comes to this. Suppose a debtor owns 50 acres of land and he owes Rs. 5,000. His yearly income from the land amounts to Rs. 5,000 and he owes only a debt of Rs. 5,000, but for the last three years he has not paid a single farthing. Will it be fair and just for any Court to say: "Let us pay no regard whatever to the amount of land he holds and to his income"? Sir, this will encourage dishonesty and fraud which, I submit, is not at all justified. My learned friends, Prof. Ranga and Rao Bahadur Lal Chand, were speaking to a House which they thought was not conversant with the position of debtors. In fact, that very ruling which the Honourable the Home Member quoted was delivered by two very senior-most Judges of the High Court of the Punjab, Mr. Justice Shadilal and Justice De Rossignol. They were very experienced Judges, and they remarked that the difficulties of a decree-holder only begin when the creditor takes out execution. First of all, the creditor has to pay the Court-fee stamp for his plaint, he has to engage lawyers, and to pay every official of the Court in order to have his case brought on to the ready list. That is, fortunately, a thing of the past, because the present learned Chief Justice of the Lahore High Court has taken stringent steps to prevent corruption.

Captain Rao Bahadur Chaudhri Lal Chand: Then why indulge in a profession which is so little paying and full of difficulties?

Mr. Fakir Chand: In order only to realise professional fees from my agricultural friends, who otherwise would not pay anything.

3 P.M. So far as that ruling goes, I submit very strongly that it depicts the condition of the creditors and of the debtors, and the ruling says that the difficulties of the creditor only begin when he begins to realise his decree. For that reason, their Lordships held that it was perfectly legitimate for a creditor to try to realise his money by attachment as well as by imprisonment. As a matter of fact, they ruled that the Court should rather lean towards granting the prayer of the creditor in order to realise his money. Now, by means of this Bill, you take away that one remedy absolutely, because if you once issue a notice to the judgment-debtor to show cause why he should not be committed to prison, that notice will be a notice to him to abscond. That happens every day. There are certain classes of debtors whom you can never get hold of, and a notice to show cause is always a notice to abscond. That remedy is gone, and so far as the other remedy of bringing property to sale, that is forbidden by the Punjab Alienation Act and by the Punjab Agriculturists' Relief of Indebtedness Bill which was passed by the Punjab Council with certain amendments and which is awaiting the sanction of the Governor General. If that Bill comes into law, that will mean the wiping off of all the old debts, whether secured or unsecured debts, because whenever a debtor is called upon to pay money, he will make an application to the Court. The Court will appoint a Conciliation Board who may absolutely disallow the payment of any money in their discretion. This Conciliation Board will sit upon the judgments of the judicial officers and they may declare that nothing is payable. So that, so far as the Punjab is concerned, the old debts due from the agriculturists will be entirely wiped off. Now, the Honourable the Home Member wishes to make it more difficult for creditors to realise their money not only from agricultural debtors but from those who are not agricultural debtors. What justification is there for enacting this Bill? Where is the urgency of this Bill? When a debtor borrows money, is he not under an obligation to repay?

(Interruption by Prof. Ranga.)

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member should be allowed to continue his speech without interruption.

Mr. Fakir Chand: Therefore, if a debtor does not pay after having had several opportunities to pay, he must be presumed to be dishonest. It is a very sacred obligation. If you borrow money, you must repay it as soon as possible, and if you fail, the creditor has the only remedy to bring a suit and to have the property attached and the debtor imprisoned. After all, is it so very easy to bring a man to civil prison? The creditor has to pay the subsistence money first. Before the debtor is sent to prison, the creditor is under an obligation to pay the subsistence allowance which the Court may deem reasonable, so that, far from realising his own money, he has, in the first instance, to deposit some money to feed the debtor so long as he is in prison. So that, you can realise the nature of the difficulties that the creditors are under, especially in my part of the country. My Honourable friend, Rao Bahadur Chaudhri Lal

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Chand, gave one single instance. I do not say that there are not genuine instances. But is that the rule, or rather is it not the exception, because I know all these cases happening every day. I know there are people who, owning twenty acres of land, still have applied for insolvency and there is a provision in the Provincial Insolvency Act which says that a debtor can only be adjudged insolvent if he is unable to pay. Now he has to prove that he is unable to pay, and there is a ruling of the Punjab High Court to the effect that in considering whether he is able to pay you may take all his means into consideration. If he has got lands, you can certainly take that into consideration, because a man may have lands which he can sell but he won't sell; although he may be exempt from compulsory sale, yet if he has got lands and income to pay back the debt and still does not pay the debt, that ability to pay will be taken into consideration. But, according to the present Bill, *Explanation 2*, his ability to pay will not be taken into consideration simply because he holds lands which are exempt from sale. So that, this provision in the Bill is very drastic, and my learned friends, who are trying to rush this measure through, must realise that it affects a considerable body of persons. So far as we in the Punjab are concerned, we find that the old debts are wiped off, but according to this Bill all the debtors will be practically immune from civil imprisonment. Although it is said that if the creditor can show that the debtor is a dishonest one, he is liable to imprisonment, yet in practical working the effect will be this, that the Court will presume that the man is honest. The old rule was that if a debtor did not pay, surely he was dishonest. If a man did not fulfil his obligation, he must surely be presumed to be dishonest, but he may show that he was unable from poverty or otherwise to pay back the money and then the Court disallows his arrest or imprisonment. That rule is already there, and why make this new rule? I submit, with great respect to the Honourable the Home Member, that this Bill should be withdrawn, or at any rate, it must be circulated for opinion at least.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, while supporting this Bill, I would like to deal with it more as a layman than as a lawyer—the profession of the last speaker. My complaint against this Bill is that it does not go far enough. Not a single Member on the Government Front Benches will deny that one of the greatest curses of Government servants today—I am talking mainly of both lower and upper subordinates and some of the officers staff—is that they are steeped in debt. The ease with which money can be obtained from a certain class of money-lenders and the ease with which those money-lenders can, in the Law Courts, get back their money is a positive scandal. I have no desire to commercialise dishonesty in what I am about to say and in saying so to cause a laugh from my friend the Deputy Leader of the Opposition. The point I want to emphasise is this. The Royal Commission on Labour which visited this country was very emphatic on this matter—I had the pleasure of serving on that Commission and I had the pleasure of discussing this very point of indebtedness and its cure with the Chairman of that Commission, the late Honourable Mr. Whitley. He informed me that he had left with the Government of India two clauses of a Bill that he suggested should be brought before this House. The gist of those clauses was that no pay of any Government servant should be attached by the Courts. When he first said this to me, I was amazed; and considered

that it amounted to commercialising dishonesty, but he disabused my mind of that view by telling me, "If you wish to get rid of the root cause of this debt trouble, don't allow any money-lender the ease and facility with which he can today get his money back by going to a law Court; i.e., don't attach salaries". Therefore, I submit, this Bill should have gone further. I am not talking of the case of landholders, because they come under a different category

The Honourable Sir Frank Noyce (Member for Industries and Labour): May I ask on what Bill the Honourable Member is speaking? This Bill does not deal with attachment of salaries.

Lieut.-Colonel Sir Henry Gidney: The agricultural part of the Bill I am not going to discuss at all, because I leave that to experts. I am simply talking about that part of the Bill which deals with the attachment of a man's property or salary

The Honourable Sir Frank Noyce: That is not the Bill we are discussing. This Bill deals with imprisonment for debt.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Lieut.-Colonel Sir Henry Gidney: You should not allow or encourage by legislation the money-lender a chance of getting his client into prison.

Mr. N. M. Joshi: I rise to support the objects underlying the Bill moved by the Honourable the Home Member. Like my Honourable friend, Prof. Ranga, I would have liked the Honourable the Home Member to make a motion for the Select Committee. The proposals of the Royal Commission on this subject were circulated to the Provincial Governments and to the organisations interested in the objects of the Bill. The Government of India are in possession of the opinions of the interests concerned.

Sir Cowasji Jehangir: Is that a fact—that the Bill has been circulated?

Mr. N. M. Joshi: I do not say that the Bill was circulated. I think the proposals of the Royal Commission on this subject were circulated to Provincial Governments as well as to the bodies concerned with these proposals.

Mr. B. Das (Orissa Division: Non-Muhammadan): But not with this wide application.

Mr. N. M. Joshi: I feel that it would have been much better if the motion had been made for referring the Bill to a Select Committee.

Mr. M. S. Aney: May I ask the Honourable Member whether it is not a fact that the proposals were confined to industrial debtors?

Mr. N. M. Joshi: The Royal Commission was appointed to investigate the conditions of the industrial workers and their proposals were naturally confined to industrial workers, but if the Royal Commission had been investigating the condition of all workers, they would have certainly made a

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recommendation as regards all workers. When the Royal Commission made their investigation, they found that one of the greatest obstacles in the way of an industrial worker was his indebtedness. Not less than two-thirds of the workers were indebted. They found that the average indebtedness amounted to at least three months wages. They found that the rate of interest carried generally from 25 to 150 per cent. and in many cases to 300 per cent. and they came to the conclusion, Mr. Deputy President, that this indebtedness was due to the borrowing capacity of the working classes which is generally known by the respectable and dignified word "credit", and they, therefore, suggested that if the evil of indebtedness is to be uprooted, the right remedy was to reduce the borrowing capacity of the working classes. At present the borrowing capacity of the working classes is supported by the facilities offered by the law for the recovery of the debt. The law permits the attachment of wages and salaries and property. It permits imprisonment and gives other facilities for the recovery of debt. Therefore, in order that the borrowing capacity of the working classes should be reduced, they made certain proposals. One of the proposals was that imprisonment for debt should be abolished. I feel that the business of usury, although under a capitalistic system is regarded as a respectable business, is a bad business. I think, Sir, it was Aristotle who said that it is unnatural that money should beget money. He was quite right and we should not encourage this business which at any rate is not a good business. Under the capitalist system, as I said, the Government have offered facilities for the easy recovery of money. One of the facilities was imprisonment. It is wrong that any man should mortgage his personal freedom for the sake of borrowing money. We condemn slavery, and I feel that if a man places his personal freedom under a mortgage for the sake of getting money, it is a form of slavery and we should not tolerate such a practice under any circumstances. I am, therefore, totally against the Legislature sanctioning the penalty of imprisonment for the debtors under any circumstances.

The Honourable Sir Henry Craik: Even dishonest debtors?

Mr. N. M. Joshi: I am coming to the dishonest debtors. In principle I am against the Legislature sanctioning the punishment of imprisonment. If there are dishonest debtors, the law should provide for remedies, either for attaching their property or whatever other possession they may have, but certainly to deprive a man of his personal freedom for the sake of money is wrong in my judgment. It is on that ground of morality that I support the proposal. I make the proposal that the punishment of imprisonment should be done away with altogether for the offence of failure to pay one's debts. I realise that the Royal Commission did not go as far as I am going. The Royal Commission's terms of reference were restricted and moreover they made recommendations which they thought were practicable under the circumstances. I do not think the Royal Commission discussed the principles underlying this measure. As far as the Bill is concerned, I think the Bill, although the Government of India need not have accepted my principle, could have gone a little further. The Government of India ought to have restricted the imprisonment for failure to pay one's debt only to those cases where a man is trying to run away, abscond or is trying to commit some fraud in order to escape the payment of his debts. It is wrong to put a man in jail, because he fails to pay his

debts and the Court holds that he has some means—land or houses to pay his debts. If a man has property and if according to law that property could be attached, I shall certainly not stand in the way of the property being attached, but when there is a remedy open to a man to recover his debts by attaching the property, why should the Legislature give power to that man to put a man in jail? The Government by proposing clause 2 (b) is putting two remedies in the hands of the creditor. It certainly enables the creditor to choose either the imprisonment or the attachment of property. I would like the Government of India to take away that clause, so that the judgment-debtor, if he has property, will pay his debt out of the property and not by the deprivation of his personal freedom. The Royal Commission on Indian Labour, besides recommending the proposals which are contained in this Bill, had made several other proposals in order to relieve the working classes of their indebtedness. I would like the Government of India to tell me what they propose to do with those other proposals. I was very glad to see that they introduced a Bill this morning regarding the attachment of wages and salaries. The Royal Commission had recommended that the Government of India should take steps to provide some kind of summary procedure for the settlement of the debts of the working classes. They also recommended that the law of limitation, so far as the working classes were concerned, should be changed and that the debts should be barred after two years. Then they made certain proposals as regards the relief of the indebtedness of the working classes. Now, I would like the Government of India to tell me what they propose to do as regards those proposals. Sir, I support the objects of this Bill, and I hope the Government of India will try to expedite the passing of this measure.

Mr. Lalchand Navalrai: Sir, the motion before us now is that this Bill should be sent out for circulation in order to elicit opinions on it. I think at this stage we should restrict ourselves to that alone. I am in full agreement with the Honourable the Home Member that this Bill should be sent for circulation. Sir, it appears to me that this Bill is not such a simple thing (as some of the people think, or as those that are prejudiced against the creditors may think) as that it should be passed in a hurry. This Bill should not be hustled through at all, because there will always be difference between people's views on this point. (Interruption by Captain Rao Bahadur Chaudhri Lal Chand.) I am not giving way. Well, there will always be difference of opinion between a Nominated Member and an elected one, though our names are similar. (Laughter.) What I mean to say is this. The Honourable Member should have patience to hear whether I am going to agree with him on some of the points or not. Anyway, my point at present is that this involves the question not only of debtors, but of creditors as well. The question has two sides. There is the question of the creditor who has actually paid, honestly paid money which honestly belonged to him. He has given it and he has only given it with a view that he should not lose it and he has an inherent right that he must be paid back. Now, it cannot possibly be said that the debtors are always honest and that they do not pay, because they have no money. In my own experience as an advocate, I have seen cases where people do not pay, but as soon as they are sent to jail, they pay it up. (Laughter.) Now, wherefrom do they pay? Therefore, what I would say is that I do not hold a brief for any creditor, nor do I hold a brief for a debtor. I am not against the debtor's interests. I should not be understood as saying

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that the debtor should not get the remedies which really belong to him. But I do at the same time say that you should be fair to both of them. Consider the question remembering that the man who has paid the money must get it back, and, on the other side, if there is an usurer, a man who is going to act like a Shylock, then no doubt in that case you must give the debtor his remedy.

Prof. N. G. Ranga: Most of the creditors are acting as Shylocks.

Mr. Lalchand Navalrai: Well, that is from the Honourable Member's point of view, and I say that his presentation of the case was entirely one-sided. If he had put both sides of the case fairly, I would have respected his view. At present, do realize what is the situation which we are at now. We are only asking that on this Bill public opinion should be gathered. Now, there are persons here who in their enthusiasm for the debtors are going forward to say that imprisonment should in all cases be stopped, and on the other hand there are persons who have in their mind the interests of the creditor as well. That being the position, on that ground of fairness, why should not this Bill be sent for circulation? Opinions will come and those opinions will be considered by this House and if it is of opinion that this Bill, as it stands, should be passed, then let it be passed, but if certain amendments are sent in on certain phases of this Bill after the receipt of opinions, then those amendments will be considered, so there is no cause for the Bill being hustled through.

Now, Sir, I have respect for Prof. Ranga's enthusiasm on this question, but what I submit is this. His reasons are not appealing, at least to me. The first reason he gave was that because the Royal Commission on Labour has decided something or has given some opinion, therefore no eliciting of public opinion is necessary at this time. Will my friend read that? Even the Statement of Objects and Reasons shows that that was only an exclusive suggestion, that is, an opinion was given with regard to protecting honest debtors, not of all classes, but only those who were in receipt of wages of less than Rs. 100. Now, will it be said, because the opinion of the Labour Commission was that there should be some relief given to a particular class, that we should go the whole hog and grant wholesale relief to all debtors? I ask now if that reason could be taken as a real or substantial objection that this Bill should not go forward for eliciting public opinion?

Then, take the second point. The Honourable the Home Member, who very honestly put his opinion before the House, has been cited as having testimony on the point. The Honourable the Home Member visited certain jails, as he said, and there he saw and examined some debtors in jail, and he began asking them some questions and at that time he formed the opinion that those persons were not able to pay. (Interruption.) I do not want to give way. But the Honourable Member did not hear the other side on that point and did not even find out from those cases as to how they were sent to jail and what were the reasons of the Judges. Therefore, what I say is that while his opinion is honest, it may be open to correction at any time. Now, when he sees the opinions now sought to be elicited, he might change his original opinion and he might say: "well the whole case had not been put before me".

Then, the third reason that has been given is by the quotation of certain Press opinions. I was very glad that the Honourable the Home Member, in other words, the Government, are now paying some respect to the opinions of the Press and what the Press have said is being quoted now in support of their case. But may I ask him, where were the Government when the Press said that on the Indo-British Agreement the commercial and industrial people had not been consulted and that they should be consulted? Did they come forward then and say: "Well, that is right, the Press is the public opinion"? I do not see the Honourable the Commerce Member in his seat now, but I would like to put it to him that if such is the opinion of the Government of India so that they have really changed their view in the light of the Press comments, the Honourable the Commerce Member should take a leaf out of the book of the Honourable the Home Member, and he should in all such questions consult the Press opinion. However, what I mean to say is that that is no reason, because the Press may still give you more opinions and give you both sides of the case, and I say you should, therefore, circulate this measure.

Then, as regards the Bill itself, it has a very salutary provision, there is no doubt, that notice should be given; and even at present in my experience, I have seen very rare cases where they do not give such notice. However, sometimes debtors might come forward and say that the Courts have not actually been giving notice, although that might be in rare cases, and here we can find that out from the opinions to be elicited. Therefore, as regards notice also the point requires to be cleared up.

Then, coming to the merits of the Bill itself, I would not go into them at this stage. There will be time for that when these questions are elicited. Both sides have to be put and each objection can be brought in by way of amendment. But I wish to say at present that I feel in my own mind that the provisions as they stand at present do not give to the Court all materials, one way or the other, for determination. There may be reasons other than those that are mentioned in clauses 2 (a) (1) (2) and (b) for consideration. In other words, what I mean to say is that the giving of no discretion to the Court and restricting the Court to particular points may be on many occasions even detrimental to the debtor himself. Therefore, the giving of more discretion to the Court will be a better-considered provision of the Bill than to put it in a restricted form. However, I do not wish to say much on this point just now, but, in my opinion, it will be only fair to see that this Bill goes for public opinion. In the end, I must say that I am not one of those who wish that this Bill should not be passed in one way or the other. I certainly endorse the view of my learned friend, Prof. Ranga, that public opinion should be elicited quickly, and I do not think that even the Honourable the Home Member who has actually brought this Bill would suffer in dealing with this Bill. Sir, with these reasons, I do agree that this Bill be circulated to elicit public opinion on it.

Mr. K. L. Gauba: Mr. Deputy President, I have a great deal of sympathy for Mr. Fakir Chand and Diwan Lalchand Navalrai, and I perfectly agree that a creditor, who has advanced money to a borrower, is entitled to his money back. He is entitled also to a fair return of his money, but that is not to assume that he is also entitled to a pound of flesh, his debtor's liberty or his debtor's reputation. We know that under the Code of Civil Procedure, various discretions are vested in the Court, which can issue

[Mr. K. L. Gauba.]

notices and in certain cases to act otherwise. We also know what the practice of the Courts has been—the discretions which were vested in the Court have been exercised and almost invariably exercised in the interests of the creditor as against the debtor.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

The judgment of the Lahore High Court practically makes it binding on the Punjab subordinate Courts almost invariably not to exercise the discretion which has been vested under law in them.

This Bill, Sir, does not abolish imprisonment. On the other hand, this Bill maintains imprisonment for debt. All that it says is that in certain cases where notices can issue they should issue. That is all. The discretion which is vested in the Courts under Order 21, rule 37, should ordinarily be exercised by the Courts, unless there are special or explicit reasons to the contrary. That, Sir, is very mild legislation. After all, a debtor might have a tremendous amount of property behind him: his property might be locked up; he may have houses; he may have land but he may not have liquid cash resources. Therefore, if the creditor wants his money, he can have his money by the sale of the property. The creditor wants his money: he does not want the life and blood and the liberty of his debtor.

I might say here that the Honourable the Home Member referred to this legislation as having started in 1886. Sir, this legislation or this course of legislation was really started when Portia decided that a creditor was not entitled to a pound of flesh but was entitled to his money back with interest. I hope that the 50 years that have elapsed since 1886 will not be taken again before the next stage of this Bill is brought about. The next stage, at the same rate of calculation, would take us to the year of grace 1985.

Sir, I would like to refer only to one or two other matters. My friends who insist on circulation really want it for the purpose of postponing the measure and not for eliciting public opinion. Public opinion has already been expressed on this question and the Press has written *ad infinitum*. In the Punjab, for instance, this question has been debated over a course of a whole year. Columns and columns of the Legislative Council debates have been printed and eventually the Punjab Legislative Council agreed to drop certain clauses, which were parallel to this, on the assurance given by Mr. Boyd on the 26th October of last year that the Government of India were introducing a measure on the same lines, which would apply to the whole of India.

The Honourable Sir Henry Craik: The Honourable Member is incorrect in his facts.

Mr. K. L. Gauba: I have got a copy of the Punjab Legislative Council debates of the 26th October, 1934.

The Honourable Sir Henry Craik: That Bill has now been passed and that section has been re-inserted and is now part of the Act.

Mr. K. L. Gauba: I am referring to those clauses which relate to debtors of all classes and not merely to agricultural classes. Mr. Boyd's assurance is given on page 668. He said:

"I must make one other explanation and it is this. The Government themselves embodied in the original Bill a clause mitigating the severity of the present law with regard to imprisonment for debt. That clause has been amended in the select committee. Logically Government might be expected to go forward and to support the new clause which goes to abolish imprisonment for debt. But we have been informed by the Government of India that it is their intention to introduce legislation as early as possible with the object of amending and mitigating the law upon this very subject, and they desire that we should not proceed with our own provincial legislation upon the subject."

The Honourable Sir Henry Craik: I do not want to interrupt the Honourable Member, but I think he is wrong in his facts. The clause was withdrawn on Mr. Boyd's assurance but it was re-inserted in the Punjab Bill afterwards by the Select Committee. It actually formed part of the Bill as passed and it now applies to all judgment-debtors. It is actually the law in the Punjab now.

Mr. K. L. Gauba: I will accept the statement of the Honourable the Home Member on the subject. I have not got a copy of the Act and, therefore, I cannot contest his statement. Sir, I have only to add one more newspaper to the list of the papers mentioned by the Honourable the Home Member, and that paper is the *Herald* of Lahore. That paper represents the views very largely of the Party to which my friend, Mr. Fakir Chand, belongs. It is not necessary to read an extract from that paper. The date of that paper is the 16th February, 1935. The paper has whole-heartedly supported this measure which has been proposed by the Home Member.

With these remarks, I support Mr. Ranga's proposition that, in the first place, Government should have the courage to withdraw the proposal for circulation of this Bill and if Government will not do that—because circulation is perfectly unnecessary, everybody knows the opinions of this simple Bill; it is a straightforward Bill with a couple of clauses, which can be considered very carefully by a Select Committee,—if Government is not prepared to send it immediately to a Select Committee, I hope they will proceed with the legislation, as expeditiously as possible, in order to give effect to it in the Simla Session.

The Honourable Sir Henry Craik: I am gratified at the reception that this Bill has met with in the House, for it has been received, I think I can fairly claim, with general support. It has also been of interest to me that so many Honourable Members from the Punjab took part in the debate and there is no doubt that the question of imprisonment for debt is a more acute one in the Punjab than in any other Province except perhaps Madras. The Honourable Member who spoke last, was perfectly right in saying that the subject has been debated in the Punjab Council as part of their Bill for the relief of agriculturists debts at considerable length, but actually, as I pointed out, a clause on the lines of the present Act was reinserted in the Bill and that legislation has now been passed. I may have been incorrect in saying that it is the law of the land, as I am not sure whether

[Sir Henry Craik.]

it has received the Governor's assent; but, anyhow, that measure has been enacted by the Punjab Council and the Punjab Act includes a clause which embodies the principle embodied in my Bill.

I may have given the House quite unintentionally a wrong impression in saying that the Bill or at any rate the principle of the Bill had been circulated for opinion and that it had received general support. Actually what was referred to Local Governments and the point on which they were asked to collect opinions may be summed up in the following words: "The question on which the Government of India desire to secure advice is whether arrest and imprisonment for debt where no contumacy is proved should be abolished for general or for particular classes of persons". That is a very broad statement of the principle contained in the Bill, but the actual provisions of the Bill have not yet been circulated for public opinion. I think after reading the opinions received, that by far the great majority was in favour of the principle of the Bill, but it would be misleading the House if I said that there was no opposition at all to the proposals. For example, I find that in the Punjab, the Local Government said: "The High Court consider that the issue of a notice to the debtor before arrest should be compulsory and not merely discretionary as at present, but with the exception of two Judges they are not in favour of any more drastic changes. A majority of the Judicial officers, the Bar, the Chambers of Commerce and the business community are opposed to any change at all, while the executive officers are divided in their opinion, but the rural community and the labouring classes would welcome the abolition of the provisions of imprisonment for debt except where contumacy is proved". I think that makes it clear that in the Punjab at any rate, and I have no doubt that in other provinces too, there was a certain amount of opposition.

Now, Sir, my Honourable friend, Prof. Ranga, suggested that there was no necessity to circulate the Bill and it might have been referred to a Select Committee immediately. I regret that if that was his feeling, he did not put down an amendment to that effect, because, if such an amendment had been put down and if it had received general support in the House, I should have considered very carefully whether I should not accept it. But it has not been put down and there are grave difficulties in changing our course now. In fact I hardly think that the rules and procedure of the House would permit such a course at this stage. But in view of the generally expressed feeling that the passage of the Bill should as far as possible be expedited, I shall be very glad to limit the period allowed for circulation so far as I can, and certainly I think there should be no difficulty in requiring the opinions to be submitted in plenty of time to let the House resume consideration of this Bill and refer it to a Select Committee if they so decide at an early stage in the next Simla Session. I hope that assurance will satisfy my Honourable friends and that they will agree to the passing of this motion for circulation.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908 (*Amendment of section 57*), for certain purposes, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE PAYMENT OF WAGES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour):

Sir, I move:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry, be referred to a Select Committee consisting of Mr. V. V. Giri, Mr. S. Satyamurti, Mr. Mohan Lal Saksena, Mr. B. B. Varma, Mr. H. P. Mody, Mr. Syed Ghulam Bhik Nairang, Mr. A. N. Chattopadhyaya, Mr. L. C. Buss, Mr. N. M. Joshi, Dr. F. X. DeSouza, Mr. J. Monteath, Mr. S. K. Hosmani, Mr. P. R. Rau, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, as I have explained in the Statement of Objects and Reasons, this Bill represents the revised edition of a Bill introduced in this House more than two years ago. That Bill was circulated for opinion and a motion was then made for its reference to a Select Committee, but owing to the pressure of more urgent business the motion was not reached, and with the dissolution of the last Assembly, the original Bill lapsed. I have had the opinions reprinted and circulated to the Members of the present House. As Honourable Members are doubtless aware, they are voluminous and deal with almost every aspect of the Bill. When we came to examine them ourselves, we found that they contained a large amount of valuable criticism and we felt that it was only right that we should, before asking again for a Select Committee, do what we could to remedy the defects in the Bill and to embody those improvements which, in the light of the criticisms, appeared to be desirable. I hope the House will agree with me that the Bill, we have now presented, is a greatly improved Bill, and, although the Select Committee will still have by no means an easy task, I am sure that their labours will be substantially lightened by the changes we have introduced.

The main structure of the Bill remains substantially unaltered, and the changes relate, for the most part, to matters of detail. But a few of them are, I think, of sufficient importance to justify my directing the special attention of the House to them now. The most important change of all is one which is rather wrapped up in obscurity in the Bill, as drafted, owing to what I may call the technical necessities of drafting. Honourable Members will find it embodied in clause 6 (2) (b) of the Bill which relates to deductions from wages on account of damage or loss. We have limited such deductions to damage or loss of goods which are expressly entrusted to the employed person for custody or to the loss of money for which he is required to account. The effect of this clause, if it is passed in the form we propose, will be to put an end to the practice of handing over spoilt cloth to weavers in cotton mills. I should perhaps inform the House that I take a specially personal interest in this matter because the practice first came prominently to my notice when I was President of the Cotton Textile Tariff Board in 1927. My colleagues and I then unanimously recommended that the practice of compelling weavers to take spoilt cloth in lieu of wages should be stopped immediately. The Whitley Commission, however, by a majority, recommended merely that the deduction should not exceed the wholesale price of the damaged goods. They added:

"This together with the registration of deductions proposed later, may be sufficient to prevent abuses, but the registers will in any case provide the material necessary to determine whether or not further regulation is required."

[Sir Frank Noyce.]

It would seem from that that they had some doubts about the soundness of their own recommendation, but they felt that the evidence before them was insufficient to justify further regulation. When we, in my Department, came to consider the Payment of Wages Bill, I accepted, though with very considerable hesitation, the recommendation of the Commission, for I felt that, apart altogether from any comparison between the personnel of the two bodies, the view of the Commission, dealing as they did with labour questions generally, must carry greater weight than that of the Tariff Board which only dealt with them incidentally. I think, however, that I can now claim that the criticisms which we have received and which Honourable Members will be able to study for themselves give emphatic support to the view taken by the Textile Tariff Board. I may add that this view always had the support of my Honourable friend, Mr. Joshi, who dissented from that taken by the majority of the Labour Commission, and that the evidence before us has now converted the only other member of the Commission now amongst us, Mr. Clow. I am very glad that I was able to convince Mr. Clow on this point for, as Honourable Members know, a Scotsman who has once made up his mind takes a great deal of convincing.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): And so does an Englishman also.

The Honourable Sir Frank Noyce: I have not been able to refer to other members of the Commission, but Honourable Members who have read the opinions will note the very significant fact that a distinguished member of the Labour Commission, Sir Victor Sassoon, as a result of certain investigations and discussions, passed immediate orders that the system should be abolished at once in all the mills under his agency. I would ask Honourable Members, who are interested in this question, to study particularly the results of the special enquiry into this matter made by an Investigator of the Bombay Labour Office, Mr. Mehrban. They will find these results on pages 105—116 of the rather substantial volume which has been circulated to them. I will not take the time of the House longer than is necessary and will give only a very few extracts from Mr. Mehrban's report. On page 110 of the Volume of Opinions, he refers, for example, to two mills in Ahmedabad. In one of these which had only 420 weavers the total amount of cloth handed to them in a single year amounted in value to over Rs. 18,000, each weaver having to take spoilt cloth on the average on not less than 30 occasions in each year. I may add that this was in addition to fines amounting to nearly Rs. 8,000 for bad and negligent work. In another mill, where the weavers numbered 180, the value of the cloth handed over in the course of the year amounted to Rs. 15,698 in addition to fines. This works out to about Rs. 87 for each weaver per year. In a later passage in his report, Mr. Mehrban describes, as a very conservative estimate, the value of spoilt cloth handed over to the weavers in the Ahmedabad mills every year as amounting to Rs. 7½ lakhs. He adds that it might very easily be Rs. 10 lakhs. This is in addition to a very large amount of fines inflicted on weavers estimated at Rs. 5 lakhs. I might add that, when I was on the Textile Tariff Board, I found an example myself in an up-country mill, to the best of my recollection

it was in Cawnpore,—where the recoveries for spoilt cloth from the weavers, in a single month, amounted to over Rs. 4,000. Again, to go back to Ahmedabad, the manager of one of the mills there told Mr. Mehrban that there were many cases in his mill every *hepta* (i.e., about a fortnight) where the value of the spoilt cloth exceeded the wages due. In other words, every pay day a number of weavers received no wages at all and had to live and support their families on the value of the spoilt cloth that had been handed over to them. I hardly think that this House will consider that a very satisfactory state of affairs. I am glad to think, though I am not quite sure, that there is no other centre in which the practice I have mentioned has reached the dimensions it has in Ahmedabad, but I feel—and trust that the House will agree with me—that the whole system is one which cannot be mended and ought to be ended forthwith. The extent to which it lends itself to abuse can be judged from the figures I have quoted. In my opinion, they are somewhat startling, and I have no doubt that the system is one under which it is almost impossible to guarantee justice to the weavers.

That, Sir, represents the most important change we have made in this Bill since it came before the House in its original form. But I should also like to draw the attention of the House to the provisions introduced to deal with advances which they will find in sub-clauses (e), (f) and (g) of clause 6 (2). The original Bill contained no provision on the subject of advances and some provisions in regard to them seem called for. Sub-clause (e) is based on an express recommendation of the Labour Commission. In clause 7 among other changes, it is proposed to prohibit the recovery of fines by instalments.

The only other changes, to which I need call attention at present, are those made in respect of the enforcement of the law. In particular, we have drawn a distinction between applications for the recovery of deductions and applications for the payment of delayed wages. Deductions are, as a rule, matters affecting individuals whereas delay in the payment of wages ordinarily affects a considerable group of workers. We have, therefore, introduced provisions for a joint application in respect of delayed payments and we have limited the compensation that the employer can be required to pay in the case of delay to Rs. ten per head. Under the old Bill he was liable to pay up to ten times the amount withheld and while this is not unreasonable in the case of fines, it would create enormous and unreasonable liabilities where wages in a large factory have not been paid on the due date.

I would only say in conclusion that the Bill seems to me one of special interest as it is the only important item in the now lengthy list of labour legislation which has been placed before this House as a result of the recommendations of the Whitley Commission which breaks entirely new ground. It was only to be expected, therefore, that our original proposals should be subjected to searching criticism and I regard it as fortunate that we should have been able to save the time of the Select Committee, which, as I have already said, still has a difficult enough task before it, by taking advantage of those criticisms and presenting a revised measure to this House.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry, be referred to a Select Committee consisting of Mr. V. V. Giri, Mr. S. Satyamurti, Mr. Mohan Lal Saksena, Mr. B. B. Varma, Mr. H. P. Mody, Syed Ghulam Bhik Nairang, Mr. A. N. Chattopadhyaya, Mr. L. C. Buss, Mr. N. M. Joshi, Dr. F. X. DeSouza, Mr. J. Monteath, Mr. S. K. Hosmani, Mr. P. R. Rau, Mr. A. G. Clow and the Member, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. V. V. Giri (Ganjam cum Vizagapatam: Non-Muhammadan Rural):

4 P.M. Sir, I rise to support the Bill which is to be referred to a Select Committee. I would like, however, to make a few observations before the matter is referred to a Select Committee. My complaint is that the Bill is limited in its scope. The Bill relates to the regulation of the payment of wages to certain classes of persons employed in industry, specially in factories or railways and to certain classes of railwaymen. I would like to refer to the view of the Royal Commission on Labour which desired that the Bill should be more comprehensive. At page 241 of their recommendations, the Royal Commission stated as follows:

"In our opinion the law should be applicable to factories, mines, railways and plantations and it should provide for possible extensions to other branches of industry."

I may be also allowed to quote the words of the Government of India which were quoted by the Royal Commission itself in that very Chapter at page 241:

"To quote the Government of India, it is no uncommon thing—in fact it appears to be the rule—in certain industries—for monthly wages to be systematically withheld until a fortnight after the close of the month to which they relate. And cases have come to the notice of Government in which wages have been withheld for considerably longer periods."

I, therefore, consider that that being the view of the Government of India, they should not have any hesitation to add the other industries under the scope of this Bill, and I hope that this matter will be brought forward before the Select Committee and that the Select Committee will be able to support my observations.

The second point to which I would like to draw attention is with regard to the definition of fine in clause 6 (2) (a)—deductions by way of fine. I take it that deductions by way of fine include reductions of pay and stoppage of increment also. If it does not include these, I would desire that these too should be included at the time the Select Committee discusses this Bill, because it is intended by the Government that these fines should form a separate fund for the benefit of the workers and that the employer should have no monetary interest in the same. Therefore, these two, reduction of pay and stoppage of increment, should be added to the fines fund; otherwise the employer, in order to make up what he might lose from the levying of fines, might make it up by the reduction of pay and the stoppage of increment. I would like to have this observation also before the Select Committee.

The next point I would like to refer to is clause 6(2)(k): I would like to add after that a sub-clause (6)(2)(l) which should state that deductions on account of insurance premia, recognised by the State, social insurance

benefits, such as relief to the unemployed and approved by the State, should be added: and, further, I would like to state that trade union subscriptions should be collected if the workers so desire. I would like to quote what the Government of Madras have stated with respect to this matter, which supports my view:

"The Royal Commission on Labour have recommended that approval may be given for deductions on account of subscriptions to provident funds, contributions for medical facilities and recoveries on account of co-operative stores and other activities which are in the interests of workers. A trade union is *prima facie* in the interests of the worker and if a worker joining a union agrees voluntarily to allow his subscription to the union being deducted from his wages, there is no reason why the deduction should not be approved by the Local Government."

I submit that this point should receive the attention of the Select Committee.

The next suggestion I would like to make is with respect to clause 7 (1), which says:

"No deduction by way of fine shall be made from the wages of any employed person, unless a notice has been exhibited in the prescribed manner on the premises in which he is employed, or in the case of persons (not being persons employed in a factory) employed upon a railway at such place or places as may be prescribed, specifying the acts or omissions on the part of an employed person for which a fine may be imposed, nor otherwise than in accordance with such notice."

I desire that the provisions of this Bill should make it clear that when a fine is levied a charge sheet should be presented to the employee by the employer so that the employee will have a chance of refuting the charges against him: the employee or worker should be allowed, if he so desires, that a representative of the trade union may go before the employer and explain the case on behalf of the worker. I desire that this should be made perfectly clear and it is the view of the Royal Commission on Labour. Their report at page 162 makes it quite clear:

"If the employee so elects, he should be entitled to be accompanied by a representative of an accredited trade union of which he is a member or by one of his fellow-workmen to assist him in presenting his case."

I now come to clause 12 wherein it is provided that when the authority hears complaints arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims, it should be competent to the worker's representative to appear before this appellate authority and represent matters about the justification or otherwise of fine inflicted if he felt aggrieved. This matter also should be made clear and a provision introduced to this effect by the Select Committee. As regards clause 7, sub-clause (6), I desire to state that the fund should be managed by a representative body representing organized labour, and must only be expended on their advice.

Then, I come to clause 11 (1), Sir, when Inspectors are provided for supervision, I submit that a supervisor of railway labour is, after all, a railway servant and cannot be really independent in discharging his duties if the provisions of this Act are to be carried out properly. I suggest that the supervisor of railway labour should, hereafter, be under the Industries and Labour Department rather than under the Railways.

Then I come to clause 17 (3), which says:

"No Court shall take cognisance of an offence under sub-section (2) of section 16 except on a complaint made by or with the sanction of an Inspector under this Act."

[Mr. V. V. Giri.]

I submit, Sir, that no sanction of an Inspector is necessary, because sufficient penalties are provided under clause 12, sub-clause (5), where it is stated:

"If the authority hearing any application under this section is satisfied that it was either malicious or vexatious the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application, and any such penalty may be recovered in the manner provided in the Code of Criminal Procedure, 1898, for the recovery of fines."

Therefore, there is no justification at all for any sanction by any Inspector under clause 17 (3). Penalties are provided, and nobody would present a case merely to harass the other side. I submit, Sir, all these observations should be laid before the Select Committee in deciding these matters.

Mr. J. A. Milligan (Bengal: European): Sir, I rise to support the motion brought forward by the Honourable Sir Frank Noyce that this Bill be referred to a Select Committee. The labourer is worthy of his hire and it is right that the law should secure to him the payment of his just dues in a reasonable time and protect those dues from unreasonable deductions. At the same time, it is not right that, in doing so, the law should impose harassing and irksome conditions on good employers, employers who, in their relations with their labour force, have hitherto done nothing to justify the introduction of such a measure.

Sir, this Bill represents a great improvement on the Bill which was introduced two years ago, but there are still a number of points which are susceptible of improvement at the hands of the Select Committee before the Bill is ready for the acceptance of this House. Out of a number of points, I propose to refer to four points only, which appear to me to require some improvement. First of all, in clause 1 (6), it is stated that:

"Nothing in this Act shall apply to the payment of wages for any wage-period to any person whose wages, by whatever periods paid, amount in respect of that period to one hundred rupees a month or more."

It is not clear how the arbitrary figure of Rs. 100 creates a class barrier between the fortunate recipient of that sum and the less efficient fellow worker who may only be getting Rs. 99-15-6. The Bill, according to the preamble, is intended to regulate the payment of wages of certain classes of persons, and it seems to me that the amount of the wage is not the important point. It is the nature of the work and the character of the earning.

Next, Sir, I turn to clause 3. The principle embodied in this clause is a very sound one, namely, that the responsibility for seeing that wages are correctly and promptly paid should lie on the employer or his manager; but, as worded, the clause requires that the actual payment should be made either by the manager or by the employer. That, I submit, Sir, is neither practicable nor reasonable in a very great number of cases.

With respect to the provision that wages shall be paid before the expiry of the seventh day, in clause 5, there is a proviso in sub-clause (3) whereby this condition can be relaxed in particular cases. I suggest to the members of the Select Committee that they should consider the insertion of a similar proviso in section 3.

I turn now to clause 11 (4), where a very important change has been made in this Bill as compared with the Bill that was introduced two years

ago. In that Bill the powers of an Inspector related to the examination of prescribed registers, but here an Inspector may enter on any premises and make such examination of any register or document. Surely, Sir, these are unnecessarily wide powers liable to abuse.

And, Sir, lastly, I would refer to clause 12 read with clause 14—the powers conferred on the authority which is to be appointed under clause 12 to decide claims arising out of deductions from the wages or delay in payment of wages of persons employed or paid in the area of his jurisdiction. Clause 12 (3) empowers this authority to assess compensation up to the remarkable figure of ten times the sum in question. It is difficult to imagine any circumstances which would justify so extravagant a valuation. It, therefore, appears that some penal element is contemplated in the assessment of compensation against employers. If that is so, it seems to me, Sir, quite wrong that the decisions of this authority should be final for so large a sum as Rs. 300. In disputes between employers and employed the question very often is not one of the amount involved, but a matter of principle. For these reasons, Sir, I support the motion.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): Sir, if an Englishman or a German or an Italian were to come to our country and attend this Session of the House and follow this debate, he would be wondering whether really he is in *Kali Yuga*, in 1935, or whether he is hearing things that were proposed to be done in 1600 or 1700 A.D. While in Europe, even in a conservative country like England, labour has been able to come into power on two occasions, and Labour Minister has been able to step over the bridge and become a conservative and keep himself in power for five years, we, here in this country, are still considering the ways and means by which workers may be helped to receive their wages from their employers! Sir, workers have been working for wages in this country as elsewhere, and yet why is it necessary now to proceed with this Bill? If our workers are really able to look after themselves, there is no necessity to bring forward a measure of this character. No exception has been made with regard to any organized industry from the scope of this Bill. That is because in no industry can you find today labour organizations so strong as to be able to look after the workers. That is so even in regard to the prompt payment of wages in industries in which organized labour unions ought to render some service to the workers. The Royal Commission on Labour, the President of which was a distinguished Englishman, a humanitarian and a great saviour and helper of labour,—and I wish that it should be put on record of this House that we, on this side of the House, really do not lack in our admiration of the services of that esteemed gentleman who unhappily is no more,—and who has rendered valuable service to the cause of Indian labour,—the Royal Commission on Labour has been obliged to recommend that a Bill of this kind is necessary. That only shows that our labour is in a helpless condition. If that is the case with the workers in these industries where there has been some real organization, and where my friends, Mr. Joshi and Mr. Giri, have been able to look after them, to some extent at least, what shall we say about all those workers, millions and millions of them, who have not had any opportunity whatsoever of developing their organizations or of attracting the attention of the Government and the attention of the Leader of the House so that their grievances might be remedied and their troubles alleviated? Sir, it may be thought that I am rather exaggerating things in this country if I say that agricultural workers should have been brought

[Prof. N. G. Ranga.]

within the ambit of this particular Bill. There are more than 30 millions of them who are really obliged to earn their wages on agricultural work. They do not come within the provisions of this Bill. Then, there are more than ten million hand-loom weavers in this country. They are not protected by this Bill. Then, again, there are at least a couple of millions of other workers. There are copper and bronze utensil makers, those who are engaged in the manufacture of *bidis*, cigarettes and cigars, those who are employed as farm servants by agricultural peasants, and then there is the numerous class of plantation labour. All these people are not given the benefit of this Bill. Why is it? Have the Government no eyes to see, no ears to hear the woes and wallings of all these men? I suggest it is because the Government do not wish to be sympathetic, are not affected by the sufferings of all these men.

A question may be raised by the Treasury Benches that it may not be possible to check the vagaries of the employers of these people, which will mean the appointment of a horde of factory inspectors, other inspectors, and that will naturally mean an additional expenditure of some lakhs or crores of rupees. It is true, I am prepared to admit that it might mean the appointment of a large number of people, but I am prepared to meet that objection also. Here is a provision in this Bill according to which the Local Government would be competent to appoint a large number of people who today are not within the category of factory inspectors, but who, at the same time, will hereafter be made competent to inspect the places where such workers are being employed. According to this provision, it will be possible to appoint honorary magistrates, to appoint village munsifs, to appoint presidents of panchayat boards, to appoint commissioners of district boards, municipal councillors, and also chairmen of municipal councils and the presidents of local boards, as officers competent to inspect the places where all these domestic workers are employed. Mr. Whitley was the father of the British Trade Board system, and it was Mr. Whitley who was responsible for trying to protect the sweated workers in the sweated industries of London and England. And it was Mr. Whitley who was the President of our Labour Commission and he recommended that such a Bill should be passed. But, most unfortunately for us, the Government which had thought it fit to get a Royal Commission appointed for agriculture, for the ordinary industrial worker—the Government have not thought it fit to appoint a committee for agricultural labour—we do not want Royal Commissions any longer, we do not wish to have any more Royal Commissions, we are not very much impressed with those Royal Warrants, but there might be a Government of India Committee to enquire into the grievances and sufferings of agricultural workers—not only those people but also the workers of the cottage industries. When Mahatma Gandhi is thinking of helping these cottage industries, by resuscitating them and giving more employment to the cottage industrial workers, the Government come out with the notorious Hallet's Circular to the effect that Government officers ought not to co-operate with Mahatma Gandhi and his workers. But these workers cry for protection, protection against whom? Protection against their own employers! And yet Government are not prepared to extend the scope of this Bill to protect these people. You may wonder whether, really, after all, these people are suffering so very much. I will, therefore, give you only one instance—the instance of contract labour in Burma, according to which system nearly five lakhs of Indians are made to suffer.

Huge deductions are being made from their wages amounting to 15 to 20 per cent of their monthly earnings, and this system of contract labour has been condemned by successive Labour Commissioners, it has been condemned by the Royal Commission on Labour, and by the Burmese Government themselves and then the Chief Inspector of Factories. I will only give you just an instance to give an idea to this House what these deductions mean and to what an extent the helplessness of these workers has enabled the employers to exploit them,—from a very competent, well written and very authoritative book known as “Contract Labour in Burma”, by one Mr. Narayana Rao, who was a nominated member of the Legislative Council in Burma for six years and who was a representative of labour there. This is a contract between two *kanganies*, between two *maistries*, that is, agents of employers, agents of shipowners, agents of rice mill owners and other employers, and these agents agree among themselves upon the following terms, in order to loot, to deceive, to rob these helpless workers in Burma:

“While according to the order of the company (*that is, the steamship company*) there should be 17 persons for a gang for every ship having a cargo of bags, we will send 15, deducting the remaining two persons' profit accruing by such deduction.

Whilst, according to the order of the company, there should be twenty persons for a ship having a cargo of tiles, we have been sending 17, deducting the wages of these remaining persons in respect of each gang aforesaid.

Whilst there should be eight winchmen for every steamer, we have been sending four, deducting the wages of the remaining four persons in respect of the above.

Whilst the company was giving Rs. 1-13-0 for every gang maistry, we have been paying one rupee and eight annas. In addition to the sum of annas five thus saved, in respect of every maistry, the sum of rupee one of every bill . . .”

In this way deductions have been made. This system has been condemned by every one; the same kind of system prevails on this side of the Coromandel Coast also, and yet no provision is made by which these five lakhs of people, Indians, there working in Burma—not only Indians, but also five lakhs of Burmese—ought to be protected.

As regards fines, my Honourable friend, Mr. Giri, has made mention of it. He said that there should be some representative of workers in the committee to be appointed for the purpose of deciding in what way the money derived from fines should be spent. I agree with him. There should be a provision made, and I hope opportunity will be taken by the Select Committee to see that a provision is made for the appointment of representatives of labour also on these committees that are to be appointed to expend the monies collected as fines.

Again, who is to fine the workers? Who is to be the judge? The employer himself! The man who is interested in victimising the workers. Should there be no appeal against the employers' decision? There was a Bombay enquiry and details are given here in the circulated papers, at page 34. The employer can fine his people for late attendance, unauthorised absence, for leaving without notice, for refusing to work overtime, for committing nuisance, for spitting, for smoking, for bringing matches and other things dangerous to the factory, for serious carelessness, for neglect of duty, for loss of or damage to tools, machines or other property of the employer, for insubordination, for fraud, for minor theft, for substitution of materials. The power given to the employer to fine is so vague and so wide that it can be used in an arbitrary fashion

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and there is no appeal according to the provisions of this Bill against the decision of the employer. I, therefore, suggest that a suitable addition should be made to the provisions of this measure so that workers may not be fined in an arbitrary fashion by their employers. Then, there is the deduction that can be made for housing accommodation. On plantations and in some of these far off distant areas, especially in some of the mines, there is no other accommodation except what is provided by the employers themselves and the workers have got to go and live in those houses. In such cases, the employers would be able to demand famine rents. They can demand any rent they like and who is to judge whether the demand is reasonable or not? Therefore, I suggest that the Inspectors ought to be given the right to inspect these houses and satisfy themselves that the rents are not exorbitant, that the rents are not too high and are not too arbitrarily fixed.

Lastly, there is the question of penalty. What is the object of this Bill if it is not to enable the workers anywhere and everywhere and at any time and whenever there is a need, to go to the proper authorities and complain against the failure of any of their employers or agents to pay them the proper wages? If they are to be at liberty to go and complain against any injustice that may be perpetrated by their employers, then it will certainly be justified. But how is it here? It is provided here that wherever the Judges are satisfied that any application has been maliciously or improperly made, they will be competent to impose a heavy and prohibitive penalty of Rs. 50 on the worker. I would like to know which worker will prefer a complaint against his employer if he is to be afraid all the time that he would have to pay Rs. 50, because he may not have proper advocates to advocate his cause. I submit this is too high and it should be lowered to one half, if not to one fourth. In my view it ought to be not more than Rs. ten because the maximum penalty that an employer is liable to pay is Rs. ten, whenever he keeps for himself some portion of the wage which ought to have been paid to the worker. If it is Rs. ten in the case of the employer, I cannot see any legitimate reason why the workers are to be frightened by this particularly high penalty of Rs. 50. If this is the penalty which is to be retained, then I can warn this House as well as the Member for Industries and Labour, who seems anxious to help the workers, that the same results would follow as have followed from the Sarda Act. In the Sarda Act, you made it incumbent upon the complainant that he should deposit a large sum in order to establish his *bona fides*, and because of this condition many people have not been able to launch prosecutions against those who have really contravened the provisions of that Act. Similarly, if you were to keep this very high and prohibitive penalty upon these workers they may never be able to establish their case. This is likely to happen very very often indeed, because the workers will never be able to pay this high sum. It is for these reasons that I request the Honourable Member for Industries and Labour and the members of the Select Committee to see that the scope is widened in order to embrace all these helpless millions of workers, the handloom weavers, the servants employed by these capitalists, the stevedore workers, the factory workers and all those who are being employed under the contract labour system in Burma.

The Assembly then adjourned at Eleven of the Clock on Wednesday, the 20th February, 1935.

