

11th February 1930

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1930

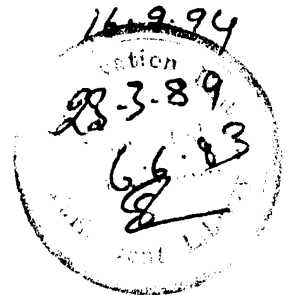
(20th January to 24th February, 1930)

SIXTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1930

~~Chamber Engraved...~~ 18-X-73



DELHI
GOVERNMENT OF INDIA PRESS
1930

Legislative Assembly.

President :

THE HONOURABLE MR V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

MR. M. A. JINNAH, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

SIR ZULFIQAR ALI KHAN, KT., C.S.I., M.L.A.

Secretary :

MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary :

RAI SAHIB D. DUTT.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

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LEGISLATIVE ASSEMBLY.

Tuesday, 11th February, 1930.

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

MEMBERS SWORN:

Mr. Gaya Prasad Singh, M.L.A. (Muzaffarpur cum Champaran: Non-Muhammadian);

Dr. Ziauddin Ahmad, C.I.E., M.L.A. (United Provinces Southern Division: Muhammadan Rural); and

Mr. Girja Shankar Bajpai, C.I.E., C.B.E., M.L.A. (Joint Secretary, Department of Education, Health and Lands).

QUESTIONS AND ANSWERS.

ISSUE OF TREASURY BILLS:

259. *Mr. Arthur Moore: (a) Will Government be pleased to state the total cost of discounting the Treasury Bills issued during the current financial year?

(b) Are Government aware that the continued issue of Treasury Bills is affecting the Government security market?

The Honourable Sir George Schuster: (a) The amount of the discount on Treasury Bills issued between the 1st April 1929 and the 28th January 1930, is about Rs. 131 lakhs.

(b) This is to some extent a matter of opinion. I think myself that the question implies an exaggerated idea of the effect of rates paid to the money market for floating supplies during the busy season on the investment market in long-term Government securities. In any case, it is certainly not the fact that the Government issues of Treasury Bills have been the sole or indeed the main factor affecting the recent course of prices for Government rupee securities. This has been far more affected by the fall in the price of Indian sterling securities, and that was brought about first, by the wave of dear money by which all world markets were affected last year, and secondly, by the anxiety felt by British investors as to political conditions in India, which anxiety was undoubtedly accentuated by the doctrines preached at the recent Lahore Congress about the repudiation of loans. I need hardly say that these doctrines are not taken seriously by any responsible people in India.

SEPARATION OF RAILWAY AND GENERAL FINANCE.

260 *Mr. B. Das: (a) Will Government be pleased to state if the Report of the Committee appointed for separation of Railway finance from General finance, will be available before the Railway Budget is presented?

(b) If the reply to part (a) be in the negative, will Government be pleased to state:

(i) The number of meetings held so far;

(ii) The stage of discussion at present; and

(iii) The time and the number of sittings required to complete the deliberation?

(c) Do Government propose to ask the House to reappoint new members in place of those already resigned from this Committee?

The Honourable Sir George Rainy: (a) No.

(b) (i) Two meetings of the full Committee, and one of the Sub-Committee appointed by the Committee to examine in detail certain specific questions, were held in 1929.

(ii) Certain memoranda prepared by the Financial Commissioner have been circulated, but only preliminary discussions have so far taken place.

(iii) I am afraid it is impossible to say how long the Committee will take to complete its deliberations.

(c) That question is under consideration.

Mr. B. Das: Is the Honourable gentleman aware that he had exceeded the period of contract by three more years, and may I inquire if the Finance Member is going to take over the railway management and include its Budget under the general finance?

The Honourable Sir George Rainy: I think the Honourable Member is under a misapprehension in suggesting that the original convention was established for a period of three years only. That is not so.

Pandit Hirday Nath Kunzru: Is it a fact that Government agreed that the question might be re-examined after three years?

The Honourable Sir George Rainy: I do not remember the precise period, Sir; but I do remember that at the time the convention was originally settled, the Government agreed that, if the House expressed a desire to review it, it should be reviewed.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that, since 1927, the House has repeatedly expressed a desire to review the separation?

The Honourable Sir George Rainy: Yes, Sir, by the appointment of a Committee.

Pandit Hirday Nath Kunzru: How long does the Honourable Member expect that the work of this Committee will take?

The Honourable Sir George Rainy: I have already said that I regret I am not in a position to say how long the Committee will take to complete its deliberations.

Mr. B. Das: May I inquire if it is not within the scope of the Committee's inquiry that railway finance should again come under the complete control of the Finance Member and form part of the general finances?

The Honourable Sir George Rainy: The whole question of the convention is before the Committee and it is of course for the Committee to say what changes it considers desirable in the convention.

Mr. Gaya Prasad Singh: Was no time limit put before the Committee for the completion of its labours?

The Honourable Sir George Rainy: No, Sir.

Pandit Hirday Nath Kunzru: Why were so few meetings held last year?

The Honourable Sir George Rainy: I do not think it is desirable that I should make any further statement on this question at present.

PROSECUTIONS UNDER THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) ACT.

261. ***Mr. B. Das:** (a) Will Government be pleased to state the number of persons prosecuted under the Indian States (Protection against Disaffection) Act, 1922, since that Act was placed on the Statute-book?

(b) How many of these were editors of newspapers and how many were publishers of books or pamphlets?

(c) Will Government be pleased to state, in each case, the punishment awarded under section 3 of that Act?

Mr. E. B. Howell: I would refer the Honourable Member to the answer given to Dr. Moonje's question No. 233 on the 5th February, 1930, which gives the information required.

THE KANGRA VALLEY RAILWAY.

262. ***Mr. B. Das:** (a) Has the attention of Government been drawn to a statement made by Mr. S. C. Sharma, an assistant engineer of the Punjab Public Works Department, before the Mandi Hydro-Electric Inquiry Committee, that the Kangra Valley Railway was originally a scheme of light railway simply to help the development of the hydro-electric scheme?

(b) Is it a fact that the original estimate was only Rs. 96 lakhs and formed part of the Mandi hydro-electric project?

Mr. A. A. L. Parsons: (a) Yes. Government have seen the statement, which does not correctly represent the facts. The reasons which prompted Government to undertake the construction of the Kangra Valley Railway are as stated in part (6) of the reply given to Mr. Haye's starred question No. 203, on 5th September 1929.

(b) The original estimate for the Kangra Valley Railway was Rs. 134 lakhs; it did not form part of the Mandi hydro-electric project.

COST OF THE KANGRA VALLEY RAILWAY SCHEME.

263. ***Mr. B. Das:** (a) Will Government be pleased to state at what stage the Punjab Government entered into correspondence with the Railway Board regarding the Kangra Valley Railway scheme and if the original estimates of the Punjab Government were available to the Railway Board?

(b) What was the cost of:

(i) First estimate?

(ii) Revised estimate?

(iii) Final expenditure of the Railway Board?

(c) At what stage of progress of the Kangra Valley Railway scheme, did Government come to know that their original estimates would be more than doubled?

Mr. A. A. L. Parsons: (a) In June 1923 the Railway Board received a letter from Colonel Battye, Superintending Engineer, Hydro-Electric Circle, Public Works Department, Punjab, inquiring whether the broad gauge connection between Mukerian and Talwara was likely to be constructed in the near future; if so, it would not be necessary for him to include this section of the line in his estimate for a metre-gauge railway connecting Talwara with the site of the proposed hydro-electric power station in Mandi State. The estimates for this tramway framed by the Punjab Government were available to the North Western Railway, who prepared the estimates for the Kangra Valley Railway:

(b) (i) Rs. 134 lakhs.

(ii) Rs. 217.46 lakhs.

(iii) The final expenditure will probably be in the neighbourhood of Rs. 310 lakhs.

(c) In June 1928.

Mr. B. Das: May I inquire if the estimate of Colonel Battye for the metre-gauge railway was not Rs. 96 lakhs?

Mr. A. A. L. Parsons: I am afraid I have not got the figure; I can obtain it for the Honourable Member.

LOSSES ON THE KANGRA VALLEY RAILWAY SCHEME.

264. ***Mr. B. Das:** (a) Will Government be pleased to state what were the reasons that led them to agree to recover only "actual loss due to construction and working up to a maximum of Rs. 4 lakhs *per annum* for 18 years" (App. XVI, Page 210, Vol. I, Public Accounts Committee's Report 1928-29) from the Punjab Government?

(b) Will Government be pleased to state if the Punjab Government have so far refunded "the actual loss due to construction" in excess of the original estimates, and if so, what is the amount recovered?

Mr. A. A. L. Parsons: (a) Rs. 4 lakhs was the amount that it was estimated that the net earnings of the line were likely to fall short of the interest on capital cost.

(b) So far, the Punjab Government have refunded nothing. The Kangra Valley Railway was only opened during the current financial year, and until the accounts of the year are closed, it will not be possible to ascertain what the net earnings have amounted to and what the actual loss is, if any.

ESTIMATES FOR THE KANGRA VALLEY RAILWAY SCHEME.

265. ***Mr. B. Das:** (a) Will Government be pleased to state if the Railway Board inquiry into defective estimates of the Kangra Valley Railway as mentioned in the Public Accounts Committee's Report, Page 28,

Vol. I of 1928-29, has been completed, and if so, will Government be pleased to make a statement on:

- (i) The findings of the Committee; and
- (ii) The decision of the Railway Board on the Committee's report?

(b) Did Colonel Battye, the initiator of the Kangra Valley Hydro-Electric scheme interview the Railway Board officials at the time, and did he persuade the Railway Board regarding the profitability of the Kangra Valley Railway scheme?

Mr. A. A. L. Parsons: (a) The inquiry has not yet been completed.

(b) Colonel Battye was present at meetings which representatives of the Punjab Government had with the Railway Board in 1925. He cannot have persuaded the Railway Board that the Kangra Valley Railway was likely to be profitable, or the latter would not have demanded a guarantee from the Punjab Government.

QUARTERS FOR PRESS EMPLOYEES ON PARLIAMENT STREET.

266. ***Mr. E. F. Sykes:** (a) Is it the intention of Government that the extension of Parliament Street beyond Barakhamba is to be ultimately the main artery connecting the new city with the old?

(b) If the answer to part (a) is in the affirmative, did Government consider the question of an appropriate frontage in their building scheme along that road?

(c) What were the considerations which led to the location on that road of quarters for the accommodation of workmen employed in the Government of India Press?

(d) Did the Government of India consult the convenience of those Press employees and their families who will be required to live in the immediate proximity of a busy thoroughfare? If so, to what extent?

(e) Will Government be pleased to state whether they contemplate any changes designed to utilise this frontage in a manner suitable to its importance?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the negative.

(b) Does not arise.

(c) The location of the quarters referred to on the road in question was part of the general layout of the Press and the surrounding buildings.

(d) Before deciding on a site, Government did consult the convenience of the Press employees, and their families, and actually chose this site in order to meet wishes, which had been expressed by the employees themselves, that the Press and its attached quarters in which they would be required to live, should be situated near Delhi city.

(e) No.

CLERKS ATTACHED TO REGIMENTS.

267. ***Sardar Bahadur Captain Hira Singh Brar:** (a) What is the total strength of clerks for each regiment and what are the instructions, if any, to Commanding Officers regarding the recruitment of such soldier clerks?

(b) Is it a fact that most of the regimental clerks are drawn from non-military classes, although plenty of young men belonging to martial communities are available for these appointments?

Mr. G. M. Young: (a) The authorised peace establishment of clerks for an Indian cavalry regiment or an active Indian infantry battalion is 10. All classes are eligible for appointment to the clerical establishment, but the practice is to give preference to the sons and other descendants of those who have actually served in the Army, provided that they possess the necessary qualifications.

(b) The Government have no information on this point. To verify the Honourable Member's allegation would involve an expenditure of time and labour which, in their opinion, would be disproportionate to the result.

CLERKS ATTACHED TO REGIMENTS.

268. ***Sardar Bahadur Captain Hira Singh Brar:** (a) Will Government be pleased to state the total number of clerks at present serving in the following units, specifying the number drawn from classes that are not entitled to enlist in those regiments respectively:

2-9th Jat Infantry.

17th Cavalry.

18th Cavalry.

19th Cavalry?

(b) Do Recruiting Officers maintain a register of candidates belonging to martial communities qualified to serve as clerks?

(c) If the answer to part (b) is in the negative, have Government considered the question of the desirability of issuing instructions to ensure that arrangements are made to supply clerks belonging to military classes to different units?

Mr. G. M. Young: (a) The information is being obtained and will be furnished to the Honourable Member in due course.

(b) No, Sir, as the enrolment of clerks in peace time is not normally carried out by recruiting officers. Recruiting officers maintain a register of persons suitable for clerical employment on mobilisation, but this register is not confined to the classes recruited for the Indian Army, or to any other classes.

(c) Government do not think it necessary or desirable to issue instructions in the sense suggested.

EDUCATION OF THE SONS OF INDIAN SOLDIERS IN THE SOUTH EAST PUNJAB AND DELHI PROVINCE.

269. ***Sardar Bahadur Captain Hira Singh Brar:** Is there any school in the South East Punjab for the education of the sons of Indian soldiers like those at Jullundur and Jhelum? If not, have Government considered the question of the desirability of making suitable provision for the sons of Indian soldiers in the South East Punjab and Delhi Province, to be educated together?

Mr. G. M. Young: There is no such school at present. It is hoped, however, to open a military school at Ajmer in 1930 for the education of Jat and Rajput boys. This school will take the place of the proposed school at Agra, to which I referred in my speech in this House on the 14th March 1929.

HOLIDAYS IN THE GOVERNMENT OF INDIA SECRETARIAT.

270. ***Mr. Abdul Latif Sahib Farookhi (a)** With reference to the reply given by the Honourable the Home Member to Sardar Kartar Singh's starred question No. 756 in the Legislative Assembly on the 24th September, 1929, will Government please state whether they have arrived at any decision in connection with the grant of more holidays in the Government of India Secretariat? If so, will they please communicate their decision to the House?

(b) If the reply to part (a) of this question is in the negative, will Government please state the reasons for the delay in arriving at any decision?

The Honourable Sir James Orerar: (a) Yes. A copy of the orders has been placed in the Library of the House.

(b) Does not arise.

APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE INDUSTRIAL SURVEYOR, DELHI PROVINCE.

271. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Will Government be pleased to state the number of clerks employed under the Industrial Surveyor, Delhi Province?

(b) To what communities do they belong?

(c) Is it a fact that a post of Statistical Assistant under the Industrial Surveyor was sanctioned in 1929?

(d) Is it a fact that this post was also offered to a non-Muslim and that the claims of the Muslims were totally disregarded in this connection?

The Honourable Sir Bhupendra Nath Mitra: (a) Two clerks are employed under the Industrial Surveyor, Delhi Province.

(b) The clerks are Hindus.

(c) Yes, as an experimental measure for one year. The appointment is included in (a) above.

(d) The post was offered to two Muhammadans and one Hindu, but the former two did not accept the terms.

RECRUITMENT OF MEMBERS OF MINORITY COMMUNITIES.

272. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) What steps do Government propose to take in order to ensure that the orders of the Government of India regarding special recruitment of minority communities are acted up to by the Local Administrations?

(b) Will Government be pleased to lay on the table a copy of the Government of India's Memorandum No. 176-25-Establishment, Home Department, dated the 5th February, 1926?

(c) Do not the orders embodied in the Memorandum referred to in part (b) apply to the services under the Local Administrations?

The Honourable Sir James Ormer: (a) and (b). A copy of the office memorandum referred to is being placed in the Library. It will be seen that the orders apply to clerical establishments in the Government of India Secretariat and the attached and subordinate offices.

(c) The orders do not apply directly to services under Local Administrations, but the Government of India have no doubt that the principles are being observed in so far as local conditions permit.

LEAVE RULES.

273. *Rao Bahadur M. C. Rajah: Will the Government be pleased to state:

- (1) Whether they issued in May, 1929, a circular letter to all provincial and minor Local Governments, No. F-46-R. I./29, dated 6th May, 1929, conveying a new interpretation of Fundamental Rule 81 (c) relating to the grant of "leave not due" to Government servants?
- (2) Whether their ruling dated the 6th May, 1929, was intended to abrogate Fundamental Rule 81 (c) (i) with effect from that date, or from the date of issue of an amended Fundamental Rule in its place, and whether the amended Fundamental Rule 81 (c) was to be made by the Secretary of State in Council or by the Government of India?
- (3) Whether Fundamental Rule 81 (c) (i), as it at present stands, is being interpreted to mean that "leave not due" applied for on consideration of health, supported by a certificate from a competent medical officer can be granted, but it should be limited to the period the applicant can earn after his return to duty?
- (4) Whether, in the case in which a Government servant who is 50 years of age, and who has applied for "leave not due" for six months under Fundamental Rule 81 (c) (i) on the production of a medical certificate from an Indian Medical Service officer or other qualified medical officers on the 6th May, 1929, the new interpretation or ruling will hold good and he cannot be granted leave under that rule for six months, or whether the new ruling should come into force only from the date when the new ruling is embodied in a fresh Fundamental Rule 81 (c) to be substituted for the present Fundamental Rule 81 (c)?
- (5) Whether it was not the practice, before the introduction of the Fundamental Rules in 1922, to grant leave to Government servants on medical certificates, on half pay, whatever might be the length of period of leave recommended by the qualified medical officer, irrespective of the consideration whether the Government servant could earn the leave after his return to duty, or not? and

- (6) Whether the Government of India propose to deal with their servants less liberally under the Fundamental Rules than under the Civil Service Regulations in respect of the grant of leave on medical certificate on health considerations, or whether they are prepared to treat them equally liberally now and restore their Fundamental Rule 81 (c) (i) and their previous interpretation of 1924 referred to in paragraph 1 of their circular letter of 6th May, 1929, referred to above?

The Honourable Sir George Schuster: (1) Yes.

(2) The ruling was issued by the Governor General in Council in interpretation of Fundamental Rule 81 (c) under the powers vested in him by Fundamental Rule 8. The question of the abrogation or amendment of Fundamental Rule 81 (c) does not therefore arise.

(3) When clause (c) of Fundamental Rule 81 is, as it should be, read with clause (e), it is clear that leave not due is meant to be an advance of leave. The inevitable conclusion therefore is that no period of leave not due may be granted unless the sanctioning authority is satisfied that, as far as it can reasonably foresee, the Government servant concerned will return to duty and earn it. After a careful scrutiny of Fundamental Rule 81 (c) as a whole, Government are satisfied that clause (c) admits of no other interpretation than the one now given.

(4) The ruling has effect, as usual, from the date of its issue, *viz.*, 6th May, 1929, and governs all sanctions to leave accorded on or after that date.

(5) Under article 301 (a) of the Civil Service Regulations, furlough for not more than two years at a time could be granted unconditionally on medical certificate. By article 827-A, however, medical officers were debarred from recommending the grant of sick leave in any case in which there appeared to be no reasonable prospect that the officer concerned would ever be fit to return to duty.

(6) The Government of India consider that the provisions in the Fundamental Rules as recently interpreted for the grant of leave on medical certificate are sufficiently liberal and that no change in the direction suggested is called for.

BUDGET ESTIMATES OF RAILWAYS.

274. ***Mr. B. Das:** (a) Will Government be pleased to state if they have accepted fully the report of Rai Bahadur B. D. Puri, the Special Officer on the system of preparing budget estimates by railways and what action has so far been taken to promulgate its recommendations?

(b) Are these recommendations binding on Company-managed railways? Will they adopt such change of forms and records as is suggested?

Mr. A. A. L. Parsons: (a) A statement showing the action taken on the Report will be found in the proceedings of the meeting of the Standing Finance Committee for Railways held on 27th September, 1927 (Volume VI—No. 4), a copy of which is in the Library of the House.

(b) Company-managed railways have been asked to adopt the procedure prescribed for State-managed railways and to report to the Railway Board cases where they find themselves unable to do so.

ACCOUNTS OF STATE RAILWAY COLLIERIES.

275. **Mr. B. Das:** (a) Will Government be pleased to state when they propose to commercialise the accounts of State Railway collieries?

(b) Have the Company-managed railways been asked to commercialise accounts of their own collieries?

Mr. A. A. L. Parsons: I would invite the Honourable Member's attention to the Memorandum placed before the Standing Finance Committee for Railways on the subject of the system of accounting on railway collieries, recorded in the proceedings of the meeting of the Standing Finance Committee for Railways, Volume VI, No. 3. This contains the conclusions of the Railway Board on Sir Arthur Dickinson's recommendations on the subject.

ACCOUNTS OF COLLIERIES OF THE BENGAL NAGPUR RAILWAY.

276. **Mr. B. Das:** With reference to the recommendations of the Public Accounts Committee 1928-29, page 23, para 70, as contained in the following lines:

" . . . Our attention has been called to the fact that the increase in expenditure on fuel on the Bengal Nagpur Railway is not due to increased consumption but to higher cost of coal ",

" We think that the collieries of the company should be treated as an independent commercial undertaking and that the price charged to the Railways should be a competitive commercial price. This means that a system of proper commercial accounts should be introduced on all collieries worked by Railways and that the loss or profit in working such collieries should be shown separately. "

will Government be pleased to state:

(a) if the Bengal Nagpur Railway have agreed to commercialise its colliery accounts?

(b) if it is going to work out its fuel cost on a "competitive commercial price" for all coal used?

Mr. A. A. L. Parsons: As will be seen from the Memorandum referred to in the last question, the Railway Board thought it undesirable to treat collieries as an independent commercial undertaking, but the question will be reconsidered in the light of the opinion expressed by the Public Accounts Committee.

REPORT OF THE INDIAN CENTRAL COMMITTEE.

277. **Mr. B. Das:** With reference to my starred question No. 187 of the 29th January, 1930, will Government be pleased to state:

(a) If the first print of the Central Committee's Report published in London was destroyed?

(b) If copies supplied to members of the Central Committee were taken back?

(c) If the Secretary of State for India wired to the Government of India to expunge certain passages from their Indian edition?

The Honourable Sir James Grerar: (a), (b) and (c). The Honourable Member is possibly under some misapprehension of the position of the Government of India in regard to the Central Committee's Report. That Report was formally presented to His Excellency the Governor General and was submitted by him to the Secretary of State for the purpose of

presentation to Parliament. The function of the Government of India was limited to printing and distributing the papers received by it after formal presentation. The Indian Central Committee presented a signed copy of the Report in print to His Excellency and also sent Government a few spare copies. In order to avoid delay in publication simultaneously in England and in India which had been decided upon, the Government of India arranged to reprint from these spare copies received from the Indian Central Committee, but meanwhile received a caution from the Secretary of State to omit from the reprint two brief incidental passages which were thought likely to give offence in foreign countries and in whose omission their authors had concurred. The Members of the Indian Central Committee, who had received copies of the earlier print, have been asked to return them. The intention is that the first print should be destroyed.

Mr. M. A. Jinnah: May I know whether the Government of India did not think it right to leave those passages even to be judged by the public of this country?

The Honourable Sir James Orerax: The Government of India was not concerned with the contents of the documents connected with the Committee's Report. As I have already explained, our function was strictly limited to printing and distributing the papers.

Mr. M. A. Jinnah: Will the Government of India represent to the authority that decided to expunge those passages that it was most undesirable for them to have done so and that they should have left it to the public of this country to judge?

The Honourable Sir James Orerax: No, Sir; we have no *locus standi* whatever in the matter.

MINUTE OF DISSENT WRITTEN BY DR. SUHRAWARDY TO THE REPORT OF THE INDIAN CENTRAL COMMITTEE.

278. ***Mr. B. Das:** (a) Will Government be pleased to state if it is a fact that a certain minute of dissent which was written by Dr. Suhrawardy, M.L.A., has not been published so far as part of the Central Committee's Report?

(b) Will Government be pleased to lay a copy of the same on the table and give reasons for withholding publication of the same?

The Honourable Sir James Orerax: (a) Yes.

(b) In reply to the Honourable Member's question No. 277 I have explained the general position. The minute was not included among the papers which Government received for publication and did not reach Government till after the Report of the Committee had been published. Government is unable to lay on the table of the House a minute which they have not themselves received for publication.

CONCESSIONS TO GOVERNMENT SERVANTS WHO SERVED IN THE GREAT WAR.

279. ***Rao Bahadur M. C. Rajah:** Will Government be pleased to state the concessions allowed by the Government of India to those who had volunteered their services during the Great War and who rendered satisfactory service under the Imperial Government in Mesopotamia and overseas, by way of recognising such service towards being counted for

pension or from being exempted from the age limit for purposes of re-entering Government service in India?

The Honourable Sir James Orerar: I would refer the Honourable Member to the Home Department Resolutions No. 2165, dated the 15th September 1921, and No. 1099, dated the 8th August, 1919, copies of which will be found in the Library of the House.

EMPLOYMENT OF EX-SERVICE MEN.

280. ***Rao Bahadur M. C. Rajah:** (a) Will Government be pleased to state if they maintain a list for men who have rendered service in Mesopotamia and overseas and is re-employment sought for them according to their qualifications, as in the case of the re-employment of pensioners?

(b) If the answer to part (a) is in the negative, have Government considered the question of the desirability of maintaining such a register?

Mr. G. M. Young: (a) No such list is maintained; but those who served in Mesopotamia and overseas are given the same special consideration in the matter of civil employment as is given to all who served in the Great War.

(b) The Government of India are of the opinion that no useful purpose would be served by instituting such a register, even if it were practicable to do so at the present time.

PROSECUTIONS UNDER THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) ACT.

281. ***Mr. B. Das:** (a) With reference to the following assurance given by Sir William Vincent in the Council of State during the discussion of the Indian States (Protection against Disaffection) Bill, *vide* the Council of State Debates of the 26th September 1922, page 501, will Government be pleased to state if the Governor General in Council, in each case of prosecution, was approached to give his sanction for the same?

"Those who offend against this law will not be liable to summary action at the hands of the executive. They will be tried before a Court of Law or a Magistrate and the accused will, I suppose, ultimately have a right of going up to the High Court. Surely that is a reasonable safeguard against any injustice. Further, there is the great safeguard of the previous sanction of the Governor General in Council".

(b) Has any of the parties prosecuted so far taken his case to the highest tribunal, the High Court? If so, with what result?

Mr. E. B. Howell: (a) Yes.

(b) The answer to the first part is "No". The second part does not arise.

PROSECUTION UNDER THE INDIAN STATES (PROTECTION AGAINST DISAFFECTION) ACT.

282. ***Mr. B. Das:** (a) Will Government be pleased to state whether in all cases of prosecution sanctioned by the Governor General in Council under the Indian States (Protection against Disaffection) Act, the provision to appeal to a High Court of Judicature is borne in mind?

(b) Has there been any departure from this procedure in any of the cases sanctioned?

Mr. E. B. Howell: (a) Yes.

(b) No.

CASE OF EMBEZZLEMENT AT THE SYRIAM POST OFFICE.

283. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the amount of loss involved to Government in the embezzlement case generally known as the "Syriam Post Office V. P. fraud case" which occurred in the Burma Circle during the year 1928?

(b) Will Government be pleased to state what action was taken against the offending clerk?

(c) Will Government be pleased to state whether, during the period covered by the fraud, any inspecting officer visited the office, and if so, how many times?

(d) Will Government be pleased to state whether the investigation into the case has disclosed any apparent neglect of duty on the part of the inspecting staff, and if so, what disciplinary action was taken against such inspecting staff?

Mr. H. A. Sams: (a) The total amount embezzled was Rs. 1,145-14-0. The security of the accused was forfeited and the fine imposed on him by the Court was recovered. Monetary responsibility was also enforced on the sub-postmaster held responsible for contributory negligence. Taking into account all these recoveries, the net loss to Government in this case amounted only to Rs. 250.

(b) The offending clerk was prosecuted and sentenced to rigorous imprisonment for six months. The fine of Rs. 200 imposed on him by the Court was recovered from him.

(c) Yes, three times, but on these occasions only the cash balance of the office was verified and no inspection was made.

(d) The reply to the first portion is in the negative. The second portion does not arise.

PROMOTIONS IN POSTAL CIRCLES.

284. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state:

(a) How many officials in each postal circle have passed the Inspector's examination and are still borne on the waiting list for promotion to the posts of Inspectors and Divisional Head Clerks to the Superintendents of Post Offices; and

(b) For how long those officials are being borne on the waiting lists of different postal circles?

Mr. H. A. Sams: (a) and (b). Information is being collected and will be supplied to the Honourable Member in due course.

PROMOTIONS IN THE POSTAL DEPARTMENT.

285. ***Mr. Anwar-ul-Azim:** (a) Are Government aware that several appointments on the Rs. 160—250 grade in the Postal Department have been kept vacant pending publication of the results of the first lowest selection grade examination?

(b) Will Government be pleased to state whether they propose to fill up the existing vacancies on the Rs. 160—250 grade by those passed candidates who have been already kept for long in the waiting list for promotion?

Mr. H. A. Sams: (a) I am not aware of the fact. The presumption is that the vacancies have been filled provisionally pending the result of the examination.

(b) Assuming that by "passed candidates" the Honourable Member means candidates who have passed the old examination for appointment as Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices, it is obviously undesirable to allow these candidates to fill up vacancies in the selection grade of Rs. 160—250 other than those for which they have been specially qualified, until the results of the lowest selection grade examination are published.

PROMOTION OF MR. A. M. DOSS IN THE RANGOON GENERAL POST OFFICE.

286. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state whether all Presidency Post Offices and the Rangoon General Post Office are treated as self-contained cadres in respect of promotion up to and including the grade of Rs. 160—250?

(b) If the reply to part (a) is in the affirmative, why was Mr. A. M. Doss imported as an Accountant in the Rangoon General Post Office from the Burma mofussil cadre?

Mr. H. A. Sams: (a) Presidency Post Offices and the Rangoon General Post Office have self-contained cadres for the purpose of promotion to the grade of Rs. 160—250, but, in filling up vacancies in the posts of Accountants and Assistant Accountants in that grade, preference is given to senior officials on ordinary clerical time-scales of pay in the Circle as a whole, who have passed the examination for appointment as Accountant or Assistant Accountant.

(b) Because no passed official was available in the Rangoon General Post Office and Mr. A. M. Doss had passed the Accountants' examination.

PROMOTIONS IN THE POSTAL DEPARTMENT.

287. ***Mr. Anwar-ul-Azim:** (a) Has the attention of the Government of India been drawn to the statement contained in the circular No. 7 of July, 1929, published by the all-India (including Burma) Postal Accountants' Association, in which the Honourable Member in charge of the Labour and Industries Department, Government of India, is reported to have promised to a deputation which waited on him at Bombay on the 30th June, 1929, headed by Mr. N. C. Kelkar, M.L.A., that he would ask the Director General, Posts and Telegraphs, to fix seniority according to the date of passing a departmental examination?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state whether any order on the subject has since been issued? If not, when do Government propose to do so?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Government have issued no orders on the subject, but have left the matter to the discretion of the Director General, who is examining the question and will issue orders shortly.

PRACTICE IN BURMA BY ADVOCATES OF INDIAN COURTS.

288. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state whether a barrister advocate of the Calcutta, Bombay, Madras or Patna High Court

can practise in the Rangoon High Court, and in the courts subordinate thereto now? If so, under what conditions? Does that apply equally to the vakil advocate as well?

The Honourable Sir James Orerar: Under the rules framed by the Bar Council of the Rangoon High Court advocates of other High Courts are debarred from practising in that Court, or in the courts subordinate thereto, but they may be permitted to plead and act in a particular cause or matter with the express permission of the presiding Judge. This applies to barrister as well as to vakil advocates.

LOSSES ON THE ASSAM BENGAL RAILWAY.

289. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state, in the interests of the public, if the Assam Bengal Railway has lost Rs. 80,000 and Rs. 4,000 respectively from the Chittagong and Gauhati Stations?

(b) If so, what was the cause of such loss, and who is the man or men responsible for this loss?

Mr. A. A. L. Parsons: I am obtaining the information required from the Assam Bengal Railway and will communicate with the Honourable Member on its receipt.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly place it on the table of the House instead of sending it to me?

Mr. A. A. L. Parsons: I will certainly have a copy placed in the Library. As the question has been raised before, I should like to explain that it is, I believe, our practice in the Railway Department always to place in the Library of the House copies of communications that we send to Honourable Members.

Mr. Anwar-ul-Azim: What objection can there be in placing a copy of it on the table of the House, so that it may find a place in the debates of the Assembly?

Mr. A. A. L. Parsons: It is merely a question of whether it is desirable to incur the extra charge for printing.

Mr. Gaya Prasad Singh: Is that your concern?

REPORT OF THE TARIFF BOARD ON THE CHEMICAL INDUSTRY.

290. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state the date when they propose to publish the Report of the Tariff Board on the chemical industry?

The Honourable Sir George Rainy: Government regret that the consideration of this Report has taken much longer than was originally anticipated. They will endeavour to publish it before the end of March.

THE GOVERNING BODY OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL.

291. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government please state if they have considered the advisability of strengthening the Governing Body of the Lady Hardinge Medical College and Hospital by the appointment thereto of fully qualified non-official Indian medical men?

(b) Have Government considered whether it is desirable in view of the all-India character of this institution that the members of the Governing Body should be drawn from different parts of India?

(c) Will Government please state the number of meetings of the Governing Body held annually during the last five years?

Sir Frank Noyce: (a) and (b). In pursuance of the recommendation of the Standing Finance Committee, the Government of India propose to appoint a Committee to enquire into the financial position of the Lady Hardinge Medical College and Hospital, Delhi. The question of revising the constitution of the Governing Body will be referred to that Committee.

(c) The Governing Body met five times in 1925, twice in 1926, twice in 1927, twice in 1928 and five times in 1929. I may add that there is an Executive Committee of the Governing Body which meets at least once a month during the College session.

EXHIBITION OF THE WORK OF INDIAN ARTISTS.

292. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to state why special stress has been laid on the Indian artist, who is to copy four Royal portraits for the Viceroy's House, exhibiting his work at the Delhi Fine Arts Exhibition?

(b) Is it the intention of Government to confine this copying work only to artists who think fit to utilize the good offices of the Delhi Fine Arts Exhibition Society?

(c) What steps have Government taken to see that the claims of other Fine Arts Societies elsewhere will be properly considered?

(d) What steps other than the notification in the Gazette of India have Government taken to convey this information to various Indian artists in different parts of India?

The Honourable Sir George Schuster: (a) It was considered that, as the pictures are required by October, 1930, the most expeditious procedure was to afford those desiring to copy the portraits an opportunity of exhibiting at an early date where their work could be viewed.

(b) and (c). Not necessarily. There is nothing to prevent any artist submitting portraits to the Government of India direct and any portraits so submitted, if they arrive in time, will receive equal consideration. It was however thought that, as the Delhi Fine Arts Exhibition is open to the whole of India and is to be held at a date which fits in with the practical needs, it would afford to artists who can take advantage of it the best means of bringing their work to the personal notice of those with whom the selection rests.

(d) The notification in question, in addition to appearing in the Gazette, was sent to the Associated Press for distribution and has appeared in newspapers in different parts of India. It is understood that the Delhi Fine Arts Exhibition Committee has sent copies of its prospectus to a large number of artists all over India and that the response has been encouraging.

Mr. Sarabhai Nemchand Haji: With reference to the information that the Delhi Exhibition was the first in point of time, may I draw the attention of Government to the fact that in the month of February an exhibition is also held in Bombay and that being so, did Government make any attempt to extend their activities to the exhibits in the Bombay exhibition?

The Honourable Sir George Schuster: I am afraid I have no information about what was done in connection with the Bombay exhibition but February was rather close to the date when the decision was taken and I imagine that there was not very much time.

Mr. M. R. Jayakar: Will Government take steps to see that intimation about this work is given to the several art schools in various parts of India?

The Honourable Sir George Schuster: I have already said that the Committee of the Exhibition has sent copies of its prospectus to a large number of artists all over India. I think they have done all they can to bring the possibility of being selected to copy these pictures to artists all over India.

APPOINTMENT OF INDIANS FOR LIGHTHOUSE ADMINISTRATION.

293. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to lay on the table a statement showing the appointments of Indians and non-Indians in various ranks of both superior and subordinate services of the general Lighthouses Administration since its recent reorganisation?

(b) What steps have Government taken to enable the various posts, now held by non-Indians under contract, being filled in due course by Indians with necessary qualifications?

The Honourable Sir George Rainy: (a) A statement is laid on the table giving the information required.

(b) An Indian will shortly be appointed as an Inspector of Lighthouses and will be trained under the Chief Inspector. The mechanics will be trained by the Foreman Mechanics and will, if they prove themselves qualified, be eligible for appointment to the post of Foreman Mechanic.

Designation.	Indians (including Anglo- Indians).	Non-Indians.	Remarks.
<i>Headquarters.</i>			
Chief Inspector of Lighthouses	1	
Inspector of Lighthouses	1*	*Two posts of Inspectors have been sanctioned. An Indian will shortly be appointed to the vacant post.
Foreman Mechanics	2	
Mechanics	2†	..	†4 additional appointments will shortly be created. Indians will be appointed to these posts.
Draughtsman	1	..	
Clerk (attached to C. I. L.) . . .	1	..	
Commercial Accountant . . .	1	..	

REMUNERATION OF MEMBERS APPOINTED TO COMMITTEES.

294. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government please state when they propose to appoint a committee to prescribe scales of remuneration and allowances for members working on committees appointed by the Government of India?

(b) What steps do Government propose to take to provide for economy in the scales of remuneration and allowances for members of committees appointed by the Secretary of State?

(c) Is there any reason why the remunerations fixed by the Secretary of State are regarded as non-voted? If any Standing Order is responsible for the above, are Government prepared to take steps to have it modified?

(d) Will Government be pleased to state whether it is possible to take steps to solve this problem during the lifetime of the present Assembly?

The Honourable Sir George Schuster: (a) and (d). This matter has had my careful consideration and I had hoped to proceed further with it this Session. As the Honourable Member probably is aware, I discussed the question with a number of Members during the last Session, and I found that opinion was somewhat sharply divided on the subject. It is therefore a matter on which Government would hesitate to move without obtaining full opinions from all quarters, and Government would be glad of an opportunity to obtain the views of the House on the subject. I suggest to the Honourable Member that a suitable occasion might arise in connection with the discussion of Demands for Grants in this year's Budget.

(b) and (c). I would refer the Honourable Member to section 21 of the Government of India Act, which empowers the Secretary of State to fix the remuneration and allowances of members of Committees appointed by him, and to section 67A (8) (iii) of the Act, under which the salaries of persons appointed by him are not subject to vote. The Government of India feel unable to consider any questions involving amendment of the Act, pending the Report of the Statutory Commission.

Mr. B. Das: Has the Honourable Member collected information from the Provincial Governments as to the rate of allowances paid to the members of the different committees?

The Honourable Sir George Schuster: I think we have that information.

Mr. B. Das: Is it not a fact that the Provincial Governments pay very low rates of allowances to members of committees?

The Honourable Sir George Schuster: I believe it is a fact that the scale of allowances paid by Provincial Governments is considerably lower than the scale of allowances paid by the Central Government.

Mr. Gaya Prasad Singh: The travelling and halting allowances of members are also lower.

The Honourable Sir George Schuster: I thank the Honourable Member for the information.

Mr. M. A. Jinnah: Will the Honourable Member be in a position to give us, at the time he suggested a discussion might be raised, the total cost of all the committees that have been appointed during the last three years, or shall I give him special notice?

The Honourable Sir George Schuster: I understand that the Honourable Member wishes to have placed before this House a statement of the costs of all committees appointed by the Central Government during the last three years and not by the Provincial Governments?

Mr. M. A. Jinnah: Yes, by the Government of India.

The Honourable Sir George Schuster: I shall be very pleased to make that calculation for the benefit of the Honourable Member.

REPAIR OF THE BHADRA TOWER IN AHMEDABAD.

295. ***Mr. Sarabhai Nemchand Hajl:** (a) Will Government please lay on the table a list of the protected monuments in Ahmedabad?

(b) Is Bhadra one of the protected monuments, and if so, what sums of money have been spent in its repairs?

(c) Is it a fact that the central tower in Bhadra is in a dilapidated condition? If so, do Government propose to take the necessary steps before that portion of the building tumbles down?

Mr. G. S. Bajpal: (a) A list of protected monuments in Ahmedabad is laid on the table.

(b) Yes; sums totalling Rs. 387 have been spent on the preservation of this monument during the last four years.

(c) Government have no information but have made inquiries. The Honourable Member may rest assured that such action as the result of these inquiries might suggest will be taken.

List of central protected monuments in the Ahmedabad District.

1. Rani Rupavati's mosque in Mirzapur, Ahmedabad City and Suburbs.
2. Rani Spiri's mosque and tomb, Ahmedabad City and Suburbs.
3. Muhafiz Khan's mosque, Ahmedabad City and Suburbs.
4. Ahmad Shah's tomb, Ahmedabad City and Suburbs.
5. Tombs of Queens of Ahmad Shah, Ahmedabad City and Suburbs.
6. Haibat Khan's masjid, Ahmedabad City and Suburbs.
7. Dastur Khan's masjid, Ahmedabad City and Suburbs.
8. The Shahpur or Kazi Muhammad Chisti's masjid, Ahmedabad City and Suburbs.
9. Queen's mosque in Sarangpur, Ahmedabad City and Suburbs.
10. Qutb Shah's mosque, Ahmedabad City and Suburbs.
11. Sayyid Usman's mosque and tomb, Ahmedabad City and Suburbs.
12. Shah Alam's tomb with all surrounding buildings in the group, Ahmedabad City and Suburbs.
13. Bibiji's masjid at Rajpur-Hirpur, Ahmedabad City and Suburbs.
14. Jami Masjid, Ahmedabad City and Suburbs.
15. Shah Khupai's masjid, Ahmedabad City and Suburbs.
16. Sakhar Khan's masjid, Ahmedabad City and Suburbs.
17. Phuti masjid, Ahmedabad City and Suburbs.

18. Darya Khan's tomb, Ahmedabad City and Suburbs.
19. Achyut Bibi's masjid and tomb, Ahmedabad City and Suburbs.
20. Baba Lului's masjid, Ahmedabad City and Suburbs.
21. Malik Alam's mosque, Ahmedabad City and Suburbs.
22. Mata Bhawani's well, Ahmedabad City and Suburbs.
23. Dada Harir's well, Ahmedabad City and Suburbs.
24. Dada Harir's mosque and tomb, Ahmedabad City and Suburbs.
25. Tomb of Mir Abu Turab, Ahmedabad City and Suburbs.
26. Brick minars on Railway Station platform, Ahmedabad City and Suburbs.
27. Dutch tombs near Kankaria tank, Ahmedabad City and Suburbs.
28. The Teen Darwaza, Ahmedabad City and Suburbs.
29. Nawab Sardar Khan's Roza bearing Survey Nos. 6810 to 6814, Ahmedabad City and Suburbs.
30. Sidi Sayyad's mosque, Ahmedabad City and Suburbs.
31. Ahmedshah's mosque, Ahmedabad City and Suburbs.
32. Miyan Khan Jahan's masjid, Ahmedabad City and Suburbs.
33. Tomb near Queen's mosque in Sarangpur, Ahmedabad City and Suburbs.
34. The three gates, Ahmedabad City and Suburbs.
35. The Bhadra tower, Ahmedabad City and Suburbs.
36. Inlet to Kankaria tank, Ahmedabad City and Suburbs.
37. City gates (Delhi gate, Dariapur gate, Premabhai gate, Kalupur gate, Panch Kuwa gate, Sarangpur gate, Raipur gate and Astodia gate), Ahmedabad City and Suburbs.
38. Miyan Khan Chisti's masjid, Dariapur Kasipur.
39. Ibrahim Sayyid's masjid, Rajpur-Hirpur.
40. Malik Isan-ul-Mulk's mosque, Isanpur.
41. Jethabai's step-well, Isanpur.
42. Small stone mosque to the south of Malik Isan-ul-Mulk's mosque, Isanpur.
43. Rouza of Azam Khan and Muazzam Khan, Vasna.
44. Tombs, Batva.
45. Step-well with inscription, Adalaj.
46. Small stone mosque, Paldi.
47. Tomb of Sheikh Ahmad Khata Ganj Baksh, Makbera (Sarkhej).
48. Pavilion before the last Makbera (Sarkhej).
49. The Great mosque, Makbera (Sarkhej).
50. Tomb of Muhammad Begarah, Makbera (Sarkhej).
51. Tomb of Bibi Rajbai, Makbera (Sarkhej).
52. The great tank, Palace and harem, Makbera (Sarkhej).
53. Rouzas of Bawa Alisar and Bawa Ganj Baksh, Makbera (Sarkhej).
54. Mosque of Bebel Khan Gazi or Bahilal Gazi, Dholka.
55. Jami Masjid, Dholka.
56. Khan Masjid, Dholka.
57. Malav tank, Dholka.
58. The ruined building near the Tunka masjid, Dholka.
59. Khan tank with its sluices, Dholka.
60. Manzar talav and shrines, Viramgam.
61. Jami masjid, Mandal.
62. Sayyid masjid, Mandal.
63. Kazi masjid, Mandal.
64. Ganjni masjid, Mandal.

SUPERINTENDENT OF EDUCATION FOR DELHI AND AJMER-MERWARA.

296. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government please state if they propose to revive the post of Superintendent of Education in Delhi, Ajmer-Merwara?

(b) Is it proposed to confine the appointment to members of the Indian Educational Service, and if so, why?

(c) What would be the saving if a fully qualified officer from the Provincial Educational Service was appointed?

(d) What is the amount of overseas pay that is proposed to be paid to this Superintendent and what is the basis on which it is reckoned?

Sir Frank Noyce: (a) It is proposed to create a special post of Superintendent of Education for Delhi, Ajmer-Merwara and Central India for two years in the first instance.

(b) No.

(c) The pay proposed for the post is Rs. 400—50—1,250—50—1,500, *plus* overseas pay if the officer appointed is of non-Asiatic domicile. The scale pay of the Provincial Educational Service is Rs. 250—800. As the post is for the present temporary, it is impossible to calculate the saving which would result if an officer from the Provincial Educational Service were appointed to the post on the latter scale of pay, as this would depend upon the pay actually drawn by the officer at the time of his appointment.

(d) The rate of overseas pay, which it is proposed to attach to the post, if it is filled by an officer of non-Asiatic domicile, is the same as that for the Indian Educational Service, *viz.*, from Rs. 150 to Rs. 300, or from £15 to £30 if drawn in sterling.

RECRUITMENT OF THE EMIGRATION AGENT, MALAY STATES.

297. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government please state if it is a fact that up till now the pay of the Emigration Agent in the Malay States has been in the grade of Rs. 800—800?

(b) Has this post been so far confined to the members of the Provincial Civil Service? If so, will Government please state their reasons for recruiting the next Emigration Agent in the Malay States from the ranks of the Indian Civil Service, which necessitates payment in the scale of Rs. 1,000—2,250?

(c) For how long has the present incumbent been in office?

(d) Did Government make attempts to recruit an equally qualified officer from the Provincial Civil Service to succeed the present Emigration Agent?

Mr. G. S. Bajpai: (a) There is no fixed scale of pay attached to the post of Agent as such. The basic pay is fixed at the scale of the service from which the officer concerned happens to be drawn, and a special pay of Rs. 300 per mensem is given in recognition of the extra responsibility of the post.

(b) The post is not reserved for any particular service, but the first and the present incumbent were both selected from the Provincial Civil Service. The question whether the present Agent's successor should be chosen from a provincial or an all-India Service will be considered after

the deputation which is to visit Malaya this year presents its report. The deputation is expected to make suggestions regarding the status of the post.

(c) 3 years 2 months and 26 days.

(d) Does not arise.

Mr. B. Das: May I ask, Sir, when is this deputation likely to reach Malaya?

Mr. G. S. Bajpai: I think, Sir, some time in April.

Mr. B. Das: Have the Government fixed the personnel of that deputation?

Mr. G. S. Bajpai: No, Sir.

SHORT NOTICE QUESTIONS AND ANSWERS.

RIOTS IN DACCA.

Mr. Anwar-ul-Azim: Has the attention of Government been drawn to the Press reports about the riots in Dacca? How many so far have been killed, wounded and molested, belonging to the Hindu, Muslim and Christian communities respectively? What was the genesis of this trouble? Has the District Magistrate issued any communiqué regarding this matter?

The Honourable Sir James Orerar: The Government of India have received reports from the Government of Bengal about the unfortunate riots which took place at Dacca. The trouble had its origin in the action of a body of 200 or 300 students, who were demonstrating in favour of independence on the 26th January, and raised cries and created a great noise in front of a mosque on the road side in which a number of Muhammadans were assembled for prayers. Protests were made by the Muhammadans, and on these being disregarded, it is said that stones were thrown at the processionists, who at once attacked and invaded the mosque. This led to subsequent sporadic assaults and rioting from the 27th to the 30th January. Two cases of assault took place on the 31st, since when no fresh outrage has occurred. Order has now been completely restored.

The reports received from the Local Government show that two Muhammadans have been killed and that twenty-three Hindus and fifteen Muhammadans have been taken into hospital for treatment. No communiqué has been issued by the District Magistrate.

Mr. A. H. Ghuznavi: Are the Government aware that they issued an injunction that no procession should be taken out, but the students refused to accept that position, and they did take out the procession which led to this riot?

The Honourable Sir James Orerar: I think I have given in my reply all the material facts which have been received in the Local Government's report.

Mr. A. H. Ghuznavi: Are the Government aware that there was an injunction under section 144 or an order under some Act that no procession should be taken out on that day?

The Honourable Sir James Orerar: I have no precise information to that effect so far as I am aware, but I shall be glad to inquire.

Nawab Sir Sahibzada Abdul Qaiyum: Do Government propose to take steps to see that orders passed by them are respected and that permissions given or refused by them are strictly observed?

The Honourable Sir James Orerar: That, Sir, is a matter for the Local Governments immediately concerned. I have no doubt they take proper steps in the matter.

Mr. Anwar-ul-Azim: Is not there any co-ordination in matters of this nature between the Central Government and the Provincial Governments?

The Honourable Sir James Orerar: In all important matters of policy there is communication between the Central Government and the Local Government concerned, but a particular occurrence of this kind is definitely and primarily the concern of the Local Governments and local authorities.

Pandit Madan Mohan Malaviya: Will the Honourable Member tell us whether the issue of an injunction under section 144 may not have contributed to the trouble that arose?

The Honourable Sir James Orerar: That, Sir, is a question of opinion.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us how many times in this country injunctions under section 144 were issued and violated by people with intimidation?

Mr. President: That is a very tall order!

Dr. A. Suhrawardy: Is it not a fact that the Honourable Pandit Madan Mohan Malaviya himself defied that order not long ago?

Pandit Madan Mohan Malaviya: And he will defy a similar order again if opportunity arises.

Dr. A. Suhrawardy: And there was no riot!

FAILURE OF THE INDIAN BROADCASTING COMPANY.

Dr. B. S. Moonje (on behalf of Mr. Lalchand Navalrai): (a) Will Government be pleased to state if it is a fact that the Indian Broadcasting Company inaugurated in Bombay in 1927 has suffered heavy losses?

(b) Is it a fact that it is unable to carry on from more royalty received by it from licences of the wireless sets?

(c) Is it a fact that the broadcasting stations at Bombay and Calcutta will be closed by the end of February, 1930?

(d) Will Government be pleased to state if the Company has been receiving any subsidy from the Government of Bombay or the Government of India?

(e) Is it a fact that, in order to save the situation, the Company applied for a subsidy from Government? If so, for how much?

(f) Was the subsidy asked for refused? If so, by which Government and for what reasons?

(g) Do the Government of India, in the interests of the usefulness of broadcasting in India, propose to help the Company to avoid the crisis?

(h) If the answer to part (g) be in the negative, do Government propose to make any other arrangement to establish broadcasting in India and which? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Government understand that the fact is as stated.

(b) It has been reported to Government that the Company is unable to carry on on the proceeds of its receipts both from licence fees and percentage of the value of imported wireless apparatus.

(c) Government have been informed that the Company intends to cease broadcasting at the end of this month.

(d) No direct subsidy has been given, but the Company receives 80 per cent. of the broadcast receiver licence fees realised by Government.

(e) Yes. Various methods of assisting the Company have been suggested. The latest suggestion was that a subsidy of Rs. 2 lakhs per annum for a minimum period of two years might suffice.

(f) The Government of India, with whom the Company has been in correspondence, have not seen their way to grant a subsidy, as they were not fully satisfied that such a grant would be justified or that it would be the best and most economical method of ensuring the development of broadcasting in India.

(g) Government have decided that it is undesirable for them to intervene in the affairs of the Company at the present juncture.

(h) The matter is engaging the attention of Government and I shall make a statement in the House on the subject as soon as I am in a position to do so.

Mr. M. R. Jayakar: Will Government consider the desirability of granting the subsidy on such terms as they think are economical?

The Honourable Sir Bhupendra Nath Mitra: At the present moment, Sir, I regret that I can add nothing to what I have already stated.

Mr. K. C. Roy: Have the Government received any special advice from an expert body of opinion regarding the possibility of success of broadcasting in India?

The Honourable Sir Bhupendra Nath Mitra: I do not precisely know what my Honourable friend means by "expert body of opinion", but I believe that some years ago the matter was discussed by Government with certain public men, including certain Members of this House, and my Honourable friend Mr. K. C. Roy was one of them. (Laughter.)

Mr. K. C. Roy: Do I understand that the Honourable Mr. Sams, who presided over the conference, was not included in the conference?

The Honourable Sir Bhupendra Nath Mitra: I was referring to non-officials.

Mr. K. C. Roy: Will the Honourable Member be pleased to lay a copy of Mr. Sams' report on the table?

The Honourable Sir Bhupendra Nath Mitra: I have not got the report here at the present moment, but I shall consider that suggestion.

Sir Hugh Cocke: Have Government considered the possibilities and the cost of developing broadcasting to towns and villages throughout India with a view to correcting the wrong news and the wild information which is spread at present?

The Honourable Sir Bhupendra Nath Mitra: Government have not gone into the matter in any great detail.

Sir Hugh Cocke: Will Government consider that question and go into it in detail?

The Honourable Sir Bhupendra Nath Mitra: Sir, the problem immediately before Government is whether they should attempt to maintain the existing avenues for the development of broadcasting in India. The problem to which my Honourable friend Sir Hugh Cocke has referred is a much wider problem and it may involve a considerable amount of expenditure. I submit that the consideration of that problem must appropriately come at a later stage.

MESSAGES FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

Mr. President: I have received two communications from His Excellency the Viceroy and Governor General regarding the Railway Budget and I will read them to Honourable Members:

"For the purposes of sub-section (1) of section 67-A of the Government of India Act and in pursuance of rules 43, 46 and 47 of the Indian Legislative Rules, I, Edward Frederick Lindley, Baron Irwin, 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 17th February ... Presentation in the Legislative Assembly.

Wednesday, the 19th February ... General Discussion in the Legislative Assembly.

<i>Friday, the 21st February ...</i>	} <i>Voting of Demands for Grants in the Legislative Assembly.</i>
<i>Saturday, the 22nd February ...</i>	
<i>Monday, the 24th February ...</i>	
<i>Tuesday, the 25th February ...</i>	

*New Delhi,
The 7th February, 1930.*

*IRWIN,
Viceroy and 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, Edward Frederick Lindley, Baron Irwin, hereby appoint the Honourable Sir George Rainy, 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 19th February, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

New Delhi,

The 7th February, 1930.

IRWIN,

Viceroy and Governor General."

THE CANTONMENTS (HOUSE-ACCOMMODATION AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. M. Young (Army Secretary): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Cantonments (House-Accommodation) Act, 1923.

RESOLUTION RE MEDICAL RESEARCH.

Mr. President: The House will now resume further discussion on Mr. Jayakar's Resolution* which was moved on 8th February, 1930.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, on the last occasion I said that the Honourable Member, on behalf of Government, did not meet the Resolution. First of all I want the House to know this, that on this question of the location of this institution at Dehra Dun, there is a very very strong feeling against it, and I think the Honourable Member is aware of it, and I think the Government too are aware of it. There is a very strong feeling, not only among those who are entitled to speak as professional men, but I venture to say that there is a very strong feeling among the general public. Dehra Dun is hardly the place where this institution should be transferred. Several questions were put in this

*"This Assembly recommends to the Governor General in Council (a) to appoint a committee with a non-official majority and an adequate representation of the independent medical profession to inquire into and report on the following points, and (b) to hold over the proposed transfer of the Medical Research Institute, Kasauli, to the Chandbagh building at Dehra Dun till this committee's report is considered by the Assembly :

- (1) The most suitable University centre for the establishment of the Central Medical Research Institute;
- (2) The constitution of the Governing Body of the Indian Research Fund Association; and
- (3) Recruitment for the Medical Research Department."

House and it seemed at one time that the Government were determined to carry out that decision and to take this institute to Dehra Dun, but I am glad now, at any rate, that the door is just open a little and the Honourable Member, on behalf of Government, said that the chapter is not closed on that subject. But, Sir, having said that, he proceeded to say that he did not like a committee—and I can tell you, Sir, and the House that committees should not be appointed lightly in my opinion—but I think my Honourable friend Mr. Jayakar realised the strong resentment and the strong public opinion which compelled him to table the Resolution in the terms as he did, that a committee shall be appointed, to do what—I want the House clearly to understand—to do this, to enquire and report, firstly, on the most suitable University centre for the establishment of the Central Medical Research Institute. Now, to that what is the answer of the Government? The answer of the Government is this: "It is true we are open to consider whether Dehra Dun should be the place where the institute shall be located, but we are going to get the estimate of the cost for that purpose". When you have got the estimate of the cost, will that decide? That is the first question I want to know. Supposing you get an estimate of the cost, do you think that that would reasonably finish the question?

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): No, Sir.

Mr. M. A. Jinnah: Then, will you consider other places, which are emphasised by this Resolution? And I can assure the Government that, as far as I have been able to understand public opinion, it is dead against Dehra Dun. The public opinion is this, that you must select some suitable University centre for the establishment of the Central Medical Research Institute. Having pushed yourself to the limit that you had closed the chapter, you yourself found that part of that institute would have to be at Kasauli, and you yourself found that it would be half and half. Therefore, I say that it is most essential that a place should be found which is a suitable University centre. Therefore, would you consider Dehra Dun along with that University centre or centres? That is the next question. Therefore the Honourable Member, on behalf of Government, if he insists on Dehra Dun, is not meeting my Honourable friend, Mr. Jayakar, who emphasises, in his Resolution, that the place must be a suitable University centre. I do ask the Government to give me an answer on that point, and I say that, if you are going to consider a suitable University centre along with Dehra Dun, then you should also get an estimate of the cost of the various University centres. How would your conference otherwise decide? On what facts and merits? Would the conference decide in favour of one or the other place without considering the relative cost of all the University centres? Therefore it seems to me that there is still the thin end of the wedge so far as Dehra Dun is concerned. I am not satisfied so far with the observations which the Honourable Member has made.

Then, let us take the second point. The second point is this, the constitution of the Governing Body of the Indian Research Fund Association. Now my Honourable friend's Resolution wants that a committee should be appointed to inquire into the constitution. I am told by the Honourable Member that they have already reconstituted this Governing

[Mr. M. A. Jinnah.]

Body. He said that there were seven non-official members—I think the Honourable Member will correct me if I am wrong—and seven officials. I think he also mentioned the names which, of course, I was not able to catch. It is very difficult to remember 14 names when they are rapidly mentioned. But I am assuming that they are all honourable men and they are also very good men, and that the Honourable Member has done his very best and exercised all the abilities that he, of course, possesses in selecting them. But that does not meet the point. Of course the Honourable Member qualified—and I must say this in all fairness to him—and said that even this question of the constitution of this body which has now been reconstituted will be placed before the conference. I must say, in fairness to him, that the conference will be given an opportunity to examine the merits, the qualifications and the status of these 14 men. So far I grant it is an advance.

Then with regard to the third point, the recruitment for the Medical Department; this question also, he said, will be placed before the conference. Therefore, Sir, what the Honourable Member now suggests is this. Instead of a committee a conference will be held, and he was good enough to tell us that there will be two representatives of this Assembly who will be selected or nominated to that conference.

Now, Sir, I come to the most important point. Will this conference decide this very important question by votes? Supposing there is a difference of opinion in the conference, who will be the final arbiter? That is the next question. Will the Honourable Member come to this House finally before Government take their final decisions on these questions? I do not care whether it is a committee or whether it is a conference; and if the Honourable Member is very keen on having a conference instead of a committee, and if he thinks it is a more practicable way of dealing with this question, I have no special objection to that. But the point that I want to emphasise is this: Will Government place before this House the proposals which they formulate, before they take their final decision on this question? Because this is a very important question and Government should not take any final step without ascertaining the views of this House. The advantage of a committee is this: When a committee is appointed, they make their report; they give their reasons and their facts and figures for their conclusions, and when the report is submitted to the Government of India, it is ordinarily and normally expected that the Government of India, before they take any steps upon the recommendations of the Committee, would consult this House. That is what is normally expected; and I do not wish that, under the guise of a conference, Government should depart or run away with this question as if they had nothing more to do with this House, and that under the guise of this conference they will take the opinion of the members of this conference and then finally decide as they like without giving an opportunity to this House to pronounce an opinion on these very important questions. Therefore, unless the Honourable Member gives me this assurance, particularly with regard to my last point, I will certainly press this Resolution.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I rise to support the Resolution moved by my Honourable friend, Mr. Jayakar, and oppose the proposition advanced by Sir Frank Noyce. Sir, it seems that Sir Frank Noyce is patting the different major provinces. He has

patted the gentlemen of Bombay, Madras and Bengal in their backs, and wants to exclude the medical profession of certain other provinces from being represented in the conference and in the Indian Medical Council. Sir, on behalf of the Patna University and on behalf of the Province of Bihar and Orissa I strongly protest against this discriminating attitude which my Honourable friend, Sir Frank Noyce, has adopted. I find that this discriminating policy of Government towards the Patna University is not confined only to the Department of Education, Health and Lands. It is also evident in the treatment of the Railway Board, in that it has not so far accepted the Engineering graduates of the Patna University as eligible for services in the Railway Department. Probably it may be the same with my Honourable friend, Sir Bhupendra Nath Mitra, when he employs engineers for the Indian Stores Department. I cannot understand why this step-motherly treatment is sometimes adopted by Government towards provinces which are not adequately represented on the Treasury Benches. Yet I find that my province is only represented by Sir George Rainy on the Treasury Bench but probably he has forgotten his past connection with my province.

The Revd. J. O. Chatterjee (Nominated: Indian Christians): Why don't you have it in Delhi and settle all these provincial jealousies?

Mr. N. O. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Delhi was rejected by Government themselves.

Mr. B. Das: If I had my own way, I should like to see the Delhi Province comprised of only Delhi town and not a bigger province.

Sir, after recording this strong protest on behalf of my province, I now ventilate before the House the unanimous protest that the Indian medical profession has recorded before Government and has placed before the country regarding Government's attitude about the Indian Medical Council and about the location of the Central Medical Research Institute at Dehra Dun. Sir, I was surprised to read a statement issued by Dr. Jivraj Mehta, a well-known medical man in Bombay, and at present the Director of a medical institute which is in no way inferior to the Grant Medical College at Bombay. He mentioned in a statement, which he circulated, that the Government had managed to spend a sum of money on the foundations of the buildings at Dehra Dun, which was equal to "the sum of money which had been donated by the Rockefeller Foundation on account of the cost of site of the buildings and equipping of the Public Health Institute at Calcutta". That shows how Government squander public money and how they, without respecting and ascertaining the views of the public, go on spending money on lime and mortar. And yet today we are still considering whether Dehra Dun will be a proper place for the location of the Indian Medical Research Institute.

Sir, the opposition that has so far been advanced by the Indian medical profession is that Dehra Dun is not a central place. It is only a place where different Government institutions are located, and it may be compared almost to a cantonment town in India or to Fort William in Calcutta. In that atmosphere, no public institution can thrive, as it is overridden by only Government officials and will always have an official prejudice, and will never allow the proper development of a national institution like the Central Medical Research Institute.

[Mr. B. Das.]

I will quote another eminent doctor, a well-known medical man of Bombay, Dr. G. V. Deshmukh, who happens to be the President of the Bombay Medical Union. In his letter to the Secretary to the Department of Education, Health and Lands, on the 30th August, 1929, he wrote:

"The Union cannot acquiesce in such an appointment and desires to reaffirm its opinion in favour of the creation of an all-India Medical Council, having on it representatives of all the Indian Universities",—

I lay stress on that, and Sir, the Members from Bihar and Orissa in this House will not tolerate the exclusion of the Patna University—

"the independent medical profession and the nominees of Government, and having the powers and privileges similar to those enjoyed by the General Medical Council of Great Britain and Ireland."

Sir, our complaint is, and everybody on this side knows, that this Council is not going to be an independent Council, for it is going to be controlled by the dictates of the Medical Council in Great Britain. It seems that those of the medical profession who are on the unemployed list in England want more and more jobs for themselves. So 12 NOON. in this Medical Research Association, which is going to be created, the expert and research officers are not going to be Indians. Already an I. M. S. Officer was about to be appointed—I think his name was Colonel Needham—but his appointment had to be stopped. Who gave these heaven-born services all the spirit of research and all the knowledge? We are in the midst of reforms. One stage of reforms has passed and another stage is expected, and we do not want this spirit in the Government Departments of creating secret strongholds of their own race, so that when we try and encroach and establish our own rights, we find ourselves nowhere. We here find a Medical Council is going to be established which will find places for the senior men of the I. M. S. profession, and Indians will not have the necessary opportunities to do the research.

I will also quote a few lines from another letter that I have received. This is from the resolutions passed at the meeting of the medical profession of Bombay held on the 17th January, 1930. The I. M. S. is not represented there. In paragraph (b) of their second resolution, they suggest:

"That pending the creation of an All-India Medical Council, an Inter-University Board composed of representatives of the Medical Faculties of the Indian Universities be constituted to take organised action for the regulation of medical qualifications and standards."

This is a different point. But I am suggesting that, in regard to the establishment of the Council, the considered opinion of the Indian medical profession should be given effect to. (Interruption.) I am glad that my Honourable friend, Mr. Neogy, reminds me that my Deputy Leader's Resolution is for the establishment of a Research Institute with proper constitution of its governing body. The Government want to include his province because Bombay is too powerful. I want the Government not to back up always the major provinces, excluding the interests of other provinces.

Mr. M. A. Jinnah: Such as Assam.

Mr. B. Das: Yes, such as Assam. But Assam's interest will be looked after by my friend Mr. Abdul Matin Chaudhury.

Nawab Sir Sahibzada Abdul Qayyum (North-West Frontier Province: Nominated Non-Official): Baluchistan.

Mr. B. Das: My province, Bihar and Orissa, where we have established a full-fledged medical college and a full-fledged engineering college, should have its recognition and its representation on the Medical Research Institute. My Honourable friend, Sir Frank Noyce, may not have visited my province because he comes from Madras. Why does he allow a Madras representative in that conference or on that Council? Why did he not leave out Madras? With these remarks, Sir, I plead for the Patna Medical College with all the earnestness at my command.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): My Honourable friend, Mr. B. Das, has spoken on this Resolution in his usual way and made a speech which contained points, in no way relevant to the Resolution before the House. The Resolution is not about the appointment of a Commission or a Committee or this and that. The only point before the House is whether this Medical Research Institute should be located at Dehra Dun or at some other place. Now, Sir, we have got to see what is a suitable place for an institution like this. (*An Honourable Member:* "Moradabad.") Moradabad or Dehra Dun. The people of Bombay and the people of Calcutta are very jealous, and they want that everything of importance should be located in their places. They want that all important institutions should be established either at Bombay or at Calcutta. We know how much cry was raised when the Capital of India was removed from Calcutta to Delhi, and I find it repeated now. It is admitted by all educational experts that big towns like Calcutta and Bombay, where there are so many other engagements and amusements, can never be suitable for any research institute or any educational work which requires the concentration of mind.

Mr. M. A. Jinnah: Go to the Himalayas. (Laughter.)

Maulvi Muhammad Yakub: I would prefer the Himalayas rather than Bombay. People from Bombay and Calcutta certainly would like to have the institution in their own place which would be to their benefit. But really big places, big towns, are never suitable for such institutions. Now, Dehra Dun is a place where we have got a temperate climate, where one can stay without feeling inclement weather for 12 years. (Laughter.) I mean for 12 months in the year, and you will not incur expenditure on sending your officers to Simla or to some other hill station. Then again, in Dehra Dun you have got other sister educational institutions and all the other environments of that place are suitable for such an institution. It has been said that Dehra Dun is a place where there are many Government institutions and the atmosphere of Dehra Dun is full of officialdom. But if you compare Dehra Dun with Calcutta or Bombay, you will find that there can be no comparison at all. Calcutta and Bombay and such other big cities are much more saturated with the official atmosphere than Dehra Dun. (*Cries of "No, no."*) Then they say that Dehra Dun is not a central place. I say that, in a huge, big country like India, it is very easy to say that this is not a central place and that is not a central place. In fact if you take the majority of the

[Maulvi Muhammad Yakub.]

provinces, for instance, the Punjab, the United Provinces, Bihar and Orissa, you will find that

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): It is nearer Moradabad.

Maulvi Muhammad Yakub: It is nearer to Benares, Aligarh and other places which are the central educational places in this country.

Nawab Sir Sahibzada Abdul Qaiyum: Nearer to Hardwar especially.

Maulvi Muhammad Yakub: As my Honourable friend says, nearer to Hardwar, which is one of the most sacred places in India where thousands of pilgrims flock every year. (Laughter.) Considering all these facts, I do not think that there can be any other place more suitable for an institute like this than Dehra Dun. I am really surprised that my Honourable friend, Sir Frank Noyce, has taken a faltering step and that he says that this question has been kept open. It is this faltering attitude of the Government (Hear, hear and Laughter) which spoils their schemes. I do not find the Government of India ever firm in any action they take. (Hear, hear.)

Raj Sahib Harbilas Sarda (Ajmer-Merwara: General): What about the Child Marriage Bill?

Maulvi Muhammad Yakub: There too they were hesitating until they were supported by my Honourable friend himself, and even now they are hesitating. I wish that this question were decided once for all, and let the decision be that the institute be located at Dehra Dun and Dehra Dun alone and at no other place. (Laughter.) With these words I oppose the Resolution.

Dr. Zia-ud-din Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I suggest for the consideration of my Honourable friend, Sir Frank Noyce, whether it is or is not desirable to separate teaching from research work? Opinion on this point is very much divided. Some years ago it was considered that research ought to be separate from teaching, but the opinion is now changing, and I hope that he will consider this point.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I am very sorry to find that this important question is being discussed in a spirit of provincial competition. (*An Honourable Member*: "And levity.") I may tell my Honourable friend the Deputy President of this House that this Resolution is identically the same as the one that was passed unanimously at the last All-India Medical Conference which was held at Lahore during the Christmas week of 1929, and I understand that the medical profession of the province from which he comes was also amply represented on that conference.

Maulvi Muhammad Yakub: They must have been in a minority there.

Mr. K. O. Neogy: They might have been in a minority, but what I say is that this particular Resolution was unanimously adopted by all the representatives of medical opinion from all parts of India. I am very sorry therefore, Sir, that my Honourable friend made a special pleading in favour of one particular town about which the Government themselves do not appear to be very enthusiastic at the present moment.

Sir, with regard to the other point, to which reference was made by Dr. Zia-ud-din, as to whether the research activities of the Medical Department should be associated with or divorced from teaching, I find an authority to which some weight, I trust, will be given by Sir Frank Noyce. I understand that one Major Bradfield of the Indian Medical Service was deputed by the Government of Madras to the United States of America in 1921 to study the methods of medical instruction in that country, and that, on his return, he submitted a very detailed report on the subject, which has been summarised in the *Indian Medical Gazette* of August, 1922, in the course of which this doctor says that, except in perhaps the Rockefeller Institute, research and medical education in America are very intimately connected, and he further proceeds to say that the organisation of the research department of India as a separate department is a great loss to the country. It was in support of this particular idea, I take it, that the medical profession in India have expressed themselves in favour of the Central Research Institute being located at one or other of the University centres in India. So far as the claims of Calcutta are concerned, I may assure my Honourable friend the Deputy President of this House that, if a suitably constituted committee, which has the confidence of this House, decides against Calcutta, I would be the last person to grumble. So far as the complaint of my Honourable friend Mr. Das is concerned, I think it is a legitimate complaint. (Mr. B. Das: "Thank you.") He was not putting forward the claims of the different minor administrations which go by the name of provinces; all that he was claiming was that, while you are granting representation to the medical faculty of certain Universities in India, there is no reason why you should deny representation to certain other Universities which have got medical faculties of their own, and I have no hesitation in supporting that particular sentiment of my Honourable friend from Orissa.

Now, Sir, as my Honourable friend, Mr. Jinnah, has rightly pointed out, the most important point raised in this Resolution is that Government should stay their hands till the matter has been fully discussed in this House. My Honourable friend, Sir Frank Noyce, was absolutely silent on that particular point. This is one of the essential features of this Resolution, that the committee's report should not be acted upon unless and until an opportunity has been given to this House to express its opinion thereon, and I would emphasise this particular point, because, as my Honourable friend from Bombay has said, this is not a question merely affecting the interests of the medical profession alone, but the public at large have been taking a very great interest in the question. I trust therefore that the Honourable Member representing the Department of Education, Health and Lands, will find it possible to supplement his statement in such a way as to make his offer acceptable to this House.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I congratulate the Department of Education on its decision to meet the Mover of this Resolution more than half-way, and I hope that when the Honourable Sir Frank Noyce speaks next, he will go further and accept fully the recommendation that is contained in the Resolution and which has been emphasised by my Honourable friend, Mr. Jinnah. The matter is of supreme importance to the country, and a consideration by this Assembly of the final report which may be submitted on the subject, will, I venture to say, be of practical help in arriving at a correct conclusion.

[Pandit Madan Mohan Malaviya.]

As regards the question whether the Institute should be established at a University centre or at a centre like Dehra Dun, I would say unhesitatingly that a University centre has great advantages. A medical research institute will be an institution of deep interest and concern, not merely to the medical profession, but to the people of India as a whole. I expect great results from it. But it is of the essence of the success of such an institution that it should be situated at a University centre where you get a number of scientific men to co-ordinate their activities and to help one another by their suggestions and by their work in considering problems and finding solutions. A University centre which has got a number of scientific men working from day to day at it, is, I submit, by far the most suitable centre for such work. Dehra Dun has its advantages. I myself love the climate of Dehra Dun. But Dehra Dun is isolated—nobody can deny it—and if you place your institute and your research men at Dehra Dun, they will have to depend, in carrying on their work, entirely on their own inspiration and knowledge, whereas at a University centre, they will be helped by one another, and the total accumulated wisdom of the men at the University will make a very important contribution to the work which the Institute will have in hand.

There are three factors which have to be borne in mind. The first and most important is the number of medical men who will be available at a centre, and I fear that the very fact that Dehra Dun has a very pleasant climate, a very healthy climate, makes it rather difficult to have a large number of medical men there. The number of medical men there must always be limited, and it is well that it should be limited. Dehra Dun would cease to be what it is if it became a place where a body of medical men would always be found to be necessary. It is only at important populous centres that you find a number of private medical practitioners. Whichever place you select, whether Calcutta, or Bombay, or Madras, or Lahore is not a matter of so much concern to those who are interested in this Institute, as that the place should be one where you can always expect to find a large number of eminent active medical practitioners who will have the necessary knowledge and who will have the interest and enthusiasm necessary for carrying on the work. So this is one important consideration in the matter of the location of the Institute, namely, the presence of a large body of medical men, both official and non-official, at the place to be selected.

The second important point is that the location of the Institute at a University centre makes it possible for the professors of various departments of science to co-operate one with the other and to co-ordinate their words. The professors of zoology, the professors of botany, the professors of chemistry, the professors of physics, all may contribute to some extent to the result of the labours of the medical men who are engaged on research work there.

The third is the number of cases that will be available to the Institute at the place at which it is located. You cannot expect to find at Dehra Dun as many interesting cases which will present problems to the Institute as you can find at an important centre like Lahore or Lucknow or Calcutta or Madras or Bombay or any other populous town. Therefore that also is an important consideration; and I hope that this point will also be borne in mind. There should be no question of any provincial jealousy in this matter. We can have only one central medical research institute; and we

should be very grateful if such an institute is established and is properly supported by funds and encouraged to do its work in a centre which may be considered by the proposed committee or conference and by this Assembly, to be the most suitable place for it; and I have no doubt that the Government of India will look at this problem in that light and accept the Resolution which has been moved by my Honourable friend, Mr. Jayakar.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, so far as I could follow the speech of the Honourable Secretary in the Education Department, I understood him to say that all the three points which are mentioned in my Resolution will be submitted to the consideration of this conference, namely, as to what would be the most suitable University centre

Sir Frank Noyce: Suitable centre, not suitable University centre.

Mr. M. R. Jayakar: Alright, as to what will be a suitable centre for the establishment of the Central Medical Research Institute; secondly, the constitution of the Governing Body and lastly, the recruitment for the Medical Research Department. I say so, because from the report of his speech which has appeared in the Press it is not quite clear whether he intended to leave all these three questions as open, to be determined by the conference; and therefore I want to know definitely whether he is agreeable that all the three points should be submitted for the consideration of the conference which he proposes.

The second thing which I wish to make clear is that his proposal only substitutes a conference for the committee which I want, and that the result will be the same, namely, that the result of the deliberations of this conference will be subject to revision or approval by this House. I may state that my Resolution asks for a committee, but it does not stop there, it goes further. In clause (b) I desired that the Government of India should hold over the proposed transfer of the Medical Research Institute to Dehra Dun till the committee's report was considered by the Assembly. Does he agree to this, that the results of this conference will stand in the same position as the report of the committee would have stood? Does he agree that this Assembly should have an opportunity of considering the decisions of the conference and that until the views of the Assembly on those decisions are obtained the Government of India will stay their hands? That is really the essence of my Resolution. I do not mind the substitution of a conference for a committee, although there are specific advantages which can be obtained by having a committee, *e.g.*, a non-official majority. I am, however, quite agreeable that the committee should be replaced by a conference, provided the Honourable Member agrees that the result of the decision of this conference will stand in the same position as the report of my committee would have stood, and that this Assembly would have a chance of considering the merits of such decisions; and further that until such consideration was given by the Assembly, the Government would hold over all action on that matter. I therefore want to know specifically from the Honourable Member whether he agrees to this.

The third point which I should make clear, is in connection with the proposal of the Honourable Member, namely, that the medical faculties of Madras, Bombay, Calcutta, Lucknow and the Punjab would send one representative each—I wish to have it made clear whether the Government of India will go a step further and agree that this representative should preferentially be a non-official. I am anxious, Sir, that the point of my

[Mr. M. R. Jayakar.]

Resolution, namely, that the majority should be non-officials on the body charged with such important decisions, should be substantially met by the Government of India. Therefore I should like to know from the Honourable Member whether the Government of India would indicate that they would prefer the representatives from the Universities of Madras, Bombay, Calcutta, Lucknow and the Punjab to be non-officials.

So far as the other Universities are concerned, I quite agree with my Honourable friend, Mr. Das's comment that there should not be any kind of distinction made between the major and the minor Universities, and I would therefore like the Honourable Member to consider whether it is not desirable for him to add two more Universities to his list. He has mentioned Madras, Bombay, Calcutta, Lucknow and the Punjab. Speaking for myself, my University is there and therefore I personally have no grievance from that point of view; but I would desire the Government of India not to leave any sense of grievance behind by excluding one or two other Universities, which, by reason of their standing, by reason of the fact that the medical studies there are in an advanced state, and particularly by reason of the fact that the medical faculty in that particular University is also an advanced body consisting of eminent men, are entitled to the same privileges. I would desire that the Honourable Member gave his best attention to this point, and added two more Universities.

Mr. B. Das: Only Patna is left out.

Mr. M. R. Jayakar: I do not want to be dogmatic about it: I am content to leave the question to the consideration of the Honourable Member, provided the principle is agreed on that all Universities which, by reason of their standing, by reason of the excellence of their medical studies and of their faculties are upto the mark, should be included. At the most it would mean one or two Universities more. Therefore I hope that the Honourable Member in charge of the Education Department will agree to this too.

There is some difficulty on this side of the House as regards what he mentioned about the costs of Dehra Dun as a possible centre. I am glad Mr. Jinnah has made that point clear. Am I to understand that, just as this proposed conference will have before it all materials with reference to the cost at Dehra Dun, it will have similar materials, supposing the conference desires to have them, from experts, of the likely cost of a University centre like Calcutta, Madras, Bombay or elsewhere? I take it that the conference will have all this material made available to it, if it so desires. In other words, as I understood my Honourable friend to say the cost at Dehra Dun will be a part of the materials put before the conference and if the conference so desires similar figures as to costs should be made available for the consideration of the conference as regards other places like Bombay, Calcutta, etc. This was not quite clear from what the Honourable Member said in his speech. I should therefore like that this point should be made clear when he replies.

There is only one point which remains, namely, the constitution of the Governing Body. The remarks which the Honourable Member made in that connection were not quite clear to me. Do the Government agree or not to leave this important question as to the method of constituting the Governing Body, as to who should be on the Governing Body, entirely in the hands of the conference? I should like that point to be made quite

clear, because there were certain remarks in the speech of my Honourable friends which caused a doubt. I wish to convey to the Government that there is a strong public feeling in this matter. There might have been days in the past when such important questions were decided by a few expert officials, mainly on the consideration which has been put before the House by the Deputy President in the course of his speech, namely, the salubrity of the climate of the selected centre. There might have been days in India, which I hope are long past, when questions of this character were considered solely from one point of view, namely the pleasantness of the climate of the place from the point of view of the European professors, but I wish the Government of India to realise that the time has come when such considerations must give way to two important tests: the first is that the institution must be so located as to be in complete contact with the independent medical profession which exists in that place, and secondly the activities of the University of that place should be linked up with the research which is to be carried on in the proposed institution.

I am anxious, Sir, that these two points should be kept in view by the Government of India, especially the latter point. I hope the Government will realize that the days of isolated hilltops are gone for ever. I am therefore anxious that all these three points should be left entirely open, especially the last one in regard to recruitment. I am further anxious, Sir, that we non-officials should have an opportunity of finally stating to Government what our view on this matter is. There has been a good deal of irritation on the question of recruitment in the past, and I am anxious that all such irritation should be avoided in future. I hope that the Government of India will realise, whatever their mistakes in the past might have been, that in future they should agree to be guided by public sentiment in this matter. Of that, the wishes of this House are always a good guide to the Government. I trust therefore that the Honourable Member will make these points clear in his reply.

Sir Frank Noyce: Sir, on Saturday I stated that I thought that I was in a position to meet the Honourable the Mover of this Resolution rather more than half way. My friend, Mr. Jinnah, thinks that I have gone no distance.

Mr. M. A. Jinnah: I did not say no distance. I said it was not more than half way.

Sir Frank Noyce: Well, he wants me, if I may say so, to go rather more than the whole of the way and to throw over Dehra Dun completely. I think he would like me, if I understood him aright, to leave Dehra Dun entirely out of our consideration.

Mr. M. A. Jinnah: That is not quite correct. I did not say that Dehra Dun should not be within the purview of the conference at all; I said I was opposed to it, and the public opinion too is opposed to it.

Sir Frank Noyce: I am very glad, Sir, that the Honourable Member has made his point clear, because it is obvious that Dehra Dun must take its chances with other centres at the hands of the conference. We cannot throw over the recommendations of an expert Committee in this way.

Mr. B. Das: Experts differ always.

Sir Frank Noyce: I can assure my Honourable friend Mr. Jayakar that it is the Government's intention that the conference should discuss all the three points raised in his Resolution. I am not quite clear as to what he means when he says that this question should be left entirely in the hands

[Sir Frank Noyce.]

of the conference, because I did my best to explain on Saturday that it will be the duty of the conference to submit its recommendations and suggestions to the Government which will give them their most careful consideration. It is for Government obviously to come to a final decision in this matter.

Mr. Jinnah asked me if the conference would proceed by a vote. I very much hope that no voting will be necessary, and that we shall be able to come to a compromise and to submit to Government suitable proposals acceptable to all parties, but if there is any difference of opinion, it will naturally be reported to Government.

He also asked me why the cost of Dehra Dun alone should be worked out and placed before the conference. The reason for that obviously is that we have got so far with Dehra Dun that we should like to work the whole scheme out and make the material complete before we summon the conference, but I can assure my Honourable friend that, if the conference desires to have the same information in regard to any University or other centre, we shall be glad to get it. The point is that we cannot have a roving committee going round to inquire into the cost of establishing a Central Medical Research Institute at different centres until we have a rather more definite opinion as to which is the best centre at which the institution should be located. Therefore, Sir, I think it is for the conference, in the first instance, to make up its mind and say what are the two or three places it would like considered, and if it does so, we shall then be happy to obtain for it the same material in regard to those centres as we hope to be in a position to place before it in regard to Dehra Dun.

Mr. M. A. Jinnah: You mean with regard to the cost?

Sir Frank Noyce: Yes. Now, as regards the point raised by Mr. Das, it was the desire of Government to keep this conference as small as possible, but I can assure him at once that we have no objection whatever to a representative of the Patna Medical Faculty being included. I think Patna and Rangoon were the only Universities left out, and we shall be glad to ask them if they wish to send any representatives to the conference.

Pandit Madan Mohan Malaviya: I hope Lucknow also will be asked to send a representative.

Sir Frank Noyce: Lucknow is already in the list. I can also assure the Honourable the Mover of this Resolution that, in asking for representatives of the faculties of the different Universities, we will express a desire that they should be non-officials.

Now, Sir, I trust I have met the wishes of the House on all points except one, and that is perhaps the most important point of all. It is the question whether the proceedings of the conference will be submitted for the opinion of this House. I have no doubt in my own mind whatever that, as the result of the conference will involve a considerable modification of the original proposals which were placed before the Standing Finance Committee and approved by it, it will be obviously necessary for us to go to the Standing Finance Committee again for its approval of any new scheme and that the matter will, in the normal course, come before the House for consideration. Whether any other opportunity should be given for discussion must, I think, largely depend upon the results of the conference; but I can only promise that the question will be most carefully

considered. I trust, Sir, that this assurance will satisfy the Honourable the Mover of this Resolution.

Mr. M. A. Jinnah: Will the Government stay their hands until the question is considered by this House, by whatever mode, whether at the time of Demands for Grants or in any other form? What I mean is, will Government stay their hands before taking action upon the conclusions of the conference until those conclusions are considered by this House in whatever form or in whatever stage, either when the Demands for Grants come up for consideration or in any other form?

Sir Frank Noyce: I can give the Honourable Member the fullest assurance on that point. I had hoped that it would be perfectly clear from what I said both on Saturday and today that Government have no intention of spending any more money on Dehra Dun beyond the sum involved in the allowance for Colonel Christophers for his work in connection with the plans and estimates, until the matter has come before this House, as the Honourable Member has said, in some form or other.

Mr. M. R. Jayakar: I beg to withdraw my Resolution.

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

Mr. President: Mr. Pandya.*

(The Honourable Member was not in his place.)

Mr. President: Mr. Acharya.

Mr. M. K. Acharya: I am not moving.†

Mr. A. H. Ghuznavi (Dacca Division: Muhammadan Rural): In view of the assurance given to me by the Honourable the Home Member that he would take action in this matter, I do not desire to move my Resolution.‡

Mr. President: Raja Raghunandan Prasad Singh§

(The Honourable Member was not in his place.)

* To move the following Resolution :

"This Assembly recommends to the Governor General in Council that he may be pleased to take steps for the enlargement of Delhi Province, into a Governor's Province, by the addition to it of the Meerut Division of the United Provinces, and the Ambala Division of the Punjab in response to the popular demand."

† "This Assembly recommends to the Governor General in Council to be pleased to appoint a committee of officials and non-officials to inquire into the allegations about the difficulties placed in the way of the development of inland water-transport, by Indians, contained in the representation (dated the 7th September, 1929) made to the Government of India (Department of Commerce) by the Bengal National Chamber of Commerce, Calcutta."

‡ "This Assembly recommends to the Governor General in Council that steps be taken at an early date for the formation of a committee of officials and non-officials to hold an inquiry into the management of Waqf administrations in India with a view to creating a Department of Pious Foundations like the Ministry of Waqf in Turkey and other Muslim countries."

§ To move the following Resolution :

"This Assembly recommends to the Governor General in Council that he may be pleased to arrange for early establishment of primary nautical schools in selected marine stations and the introduction of marine engineering as a subject of instruction in all Government engineering colleges."

RESOLUTION RE ENFRANCHISEMENT OF INDIANS IN CEYLON.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan Rural): Before I move my Resolution, I request your permission to make a slight alteration in the Resolution. I should like to add after the words "Governor General in Council", the words "to represent to His Majesty's Government". I trust you will have no objection to my adding those words.

I beg to move that:

"This Assembly recommends to the Governor General in Council to represent to His Majesty's Government that the proposals of the Government of Ceylon regarding franchise, which have been accepted by the Colonial Office, in so far as they make possession of a certificate of permanent settlement and renunciation of the protection of the Government of India by Indian immigrants a condition of eligibility to vote should not be put into effect and that immediate steps should be taken to secure the adoption of the original recommendations of the Donoughmore Commission making five years' residence the basis of the franchise."

Sir, till recently Indian opinion was considerably agitated with regard to the position of Indians in East Africa. While we were fighting for the honour and self respect of our countrymen there, the Indian question in Fiji became acute, and we found that underlying the question of citizenship in the Empire were racial problems in Fiji as well as in East Africa. A few weeks ago we learnt, to our astonishment, that the same problem had cropped up in Ceylon also, which is at our very doors and which has been bound to us by economic and cultural ties for generations, in fact for centuries past.

Before I deal with the significance of the question I have placed before the House from the Indian point of view, I should like to state briefly the facts that have led to the present position. Some time ago, His Majesty's Government appointed a special commission to report on the Ceylon constitution. The Commission found that in Ceylon women were disqualified from being electors and that, so far as the male population was concerned, the franchise was based on literacy and possession or occupation of property and enjoyment of income of a prescribed value. The Commission came to the conclusion that, if a constitutional advance was to be made in the status of Ceylon, it was necessary that the electorate should be widened. It accordingly recommended manhood suffrage in the case of males and the enfranchisement of all women not less than 30 years of age. As this question had an important bearing on the position of Indians resident in Ceylon, the Commission devoted a section in its Report to the examination of this matter. There are about 700,000 immigrant Indians or labourers on tea and rubber estates in Ceylon at the present day. In considering the qualifications for the franchise, the Commission recommended that:

"A qualification of five years' residence in the island . . . should be introduced in order that the privilege of voting should be confined to those who have an abiding interest in the country or who may be regarded as permanently settled in the island."

and said:

"As will be seen later, this condition will be of particular importance in its application to the Indian immigrant population"

It is clear therefore that, in fixing the qualifications for franchise, the Commission considered carefully the relation of Indians to the rest of the

population of Ceylon, and deliberately arrived at the conclusion that the qualifications it had fixed would be fair to all parties concerned. I would go further and draw the attention of the House to an important circumstance. At present the Indian community in Ceylon, known as Indian Tamils, are represented in the Legislative Council by two Members. As the Commission was in favour of the abolition of communal electorates, it had naturally to consider what the effect of joint electorates would be on the position of the Indian community. It expressed the view that, while the existence of two representatives of the Indian community in the Ceylon Legislative Council might have tended to improve its position, yet in the main Indian rights would depend on two other considerations. One was the continuous pressure exerted by the Government of India in favour of the Indian population in Ceylon. The other was that, in case franchise was granted to the Indian population on the same terms as to other communities in Ceylon, their position in the electorate would be a sufficiently strong one to enable them to protect their just rights. On these grounds therefore the Commission treated Indians in regard to electoral qualifications on the same basis as other constituent portions of the Ceylon population, and also recommended the abolition of communal representation, not merely for non-Indians but also for Indians.

Shortly after the Report of this Commission was made public, it was debated in the Legislative Council of Ceylon, I believe in 1928. It was generally felt there that the reforms recommended by the Commission were not substantial, and that they would not pave the way for the introduction of responsible government in that Colony. The Report of the Commission was therefore rejected by the Ceylon Legislative Council. Thereupon, the Governor of Ceylon sent a despatch to the Colonial Office dealing with the views of the Legislative Council as regards the Report of the Special Commission, and recommended some alteration in the franchise proposed by the Commission. But to anyone, Sir, who has read the debate that took place in the Ceylon Legislative Council on the Report of the special Commission, it must have been apparent that the strongest ground of objection to that Commission was the feeling of the Members of the Legislative Council that the Report did not substantially advance the political position of the Colony. If, therefore, His Majesty's Government wanted to conciliate the population of Ceylon, one would have thought that they would make proposals which would be in advance of those made by the Commission. We find, however, that, by arrangement between the Governor and the Colonial Office virtually a bribe was offered to Ceylon at the expense of the interests of Indians resident therein.

In order to prove what I have said, I will draw the attention of the House to the substance of the recommendations of the Governor with regard to Indian franchise. The Governor makes domicile the basis of the franchise in Ceylon. As regards those who are undomiciled, he proposes that, while five years' residence should certainly be insisted on, with residence there should be coupled the condition that those who wish to be registered as voters should produce a certificate of permanent residence in the Colony. It is desired that an Indian who is not already domiciled in the Colony and who has been residing there for five years should produce a certificate of his intention to reside there permanently, and at the same time make a declaration that, while registered as a voter, he or she would renounce any claim to special protection by the Government other than that of Ceylon, or to any statutory rights, privileges or exemptions to which residence of all races and communities were not entitled.

[Pandit Hirday Nath Kunzru.]

I will deal, Sir, with the full implications of the demand made by the Governor a little later, but I must point out at this stage that the Colonial Office, in the despatch which it recently sent to the Governor of Ceylon, has accepted the principle recommended by him. It could not but be apparent to the Colonial Office that there is scarcely any question on which Indian opinion feels as keenly as the status of Indians abroad. It must have been clear to them in regard to East Africa that public opinion and this House and the Government of India have all together insisted on India being consulted fully and freely before any decision was arrived at affecting the position of Indians in that Colony. With these things before them, in regard to Ceylon, a decision vitally affecting the rights of our countrymen in that Colony has been arrived at without giving either the people of India or this House any opportunity of expressing themselves on a question of so grave a nature. I do not know whether the Government of India were consulted or not. I should like to know whether the Government of India demanded that they should be consulted in a matter of such fundamental importance. If they did put forward such a demand, I should further like to know what was the response to it from the other side. Did the Colonial Office, before it arrived at a final decision, give the Government of India an opportunity of making representations on behalf of our countrymen in Ceylon? If the Government of India failed in this respect, or if the Colonial Office did not give us an opportunity of making ourselves heard on a question of so grave a nature, we must enter our most emphatic protest against the course that has been pursued.

Sir, to those like myself who have gone out of India, nothing is more galling than the atmosphere of inequality in which Indians live and move and have their being outside this country. I do not for a moment mean to say that we have secured equal rights in our own country; but having been born and bred in this atmosphere, perhaps we have got slightly used to it. But whenever we go out of our land and find ourselves treated on a footing of inferiority as compared with other sections of the population outside this country, our blood boils. We find ourselves asking whether the entity known as the British Empire has any real existence for other people than the whites.

Sir, I have already said that the Governor of Ceylon proposed that only those Indians should be allowed to exercise the right of franchise who made a declaration renouncing all claim to the protection of the Government of India. It is best to look at this question from a concrete point of view. We all know what the condition of the Indian labourers in Ceylon was till about ten years ago. There was no one to look after them. Their rights were nobody's concern, and as a class they were deeply involved in debt, from which they could not extricate themselves while they lived there. It is only because of the increasing pressure of public opinion in India supported, I must say, as strongly as possible by the Government of India, that any improvement has been effected in their position. And what are the improvements that have been effected in the course of the last ten years? In the first place, an Indian labourer now starts free from debt. If an advance is made to him in India, the man who makes the advance does so at his own risk. I understand it cannot be recovered from the labourer by any process, civil or criminal. In the second place, I believe the old debts which were mostly irrecoverable were written off

at the time the Government of India allowed emigration to Ceylon to continue. More important than this, Sir, is the fact that, 1 P.M. under pressure from the Government of India, changes have been made in law by which breaches of labour contracts have ceased to be penal. The importance of this will be recognised by those men who have taken any interest in the condition of their countrymen overseas during the last 15 years. The penal conditions governing the contracts of labour were the most powerful weapons in the hands of the capitalists to keep our countrymen down and to keep them tied down to particular estates. The abolition of the penal provisions enabled our countrymen to breathe freely and feel that they were to a certain extent free men.

Again, Sir, under the pressure exerted by the Government of India, the Ceylon Government have agreed that children under 10 shall not be allowed to be employed on estates. Recently we insisted that a minimum wage should be fixed for all labourers in Ceylon. Standard wages have now been prescribed and they came into effect on the 1st January, 1929. The payment of wages, which was formerly irregular and which led to labourers being involved in debt, has now been made far more regular. Indian labourers are now to be paid by the 10th of every month. This is not an exhaustive list of the reforms effected owing to the pressure of public opinion in this country, the interest taken by the Legislature and the intervention of the Government of India. There are certain questions that are still under discussion between the Government of India and the Government of Ceylon. I will mention only two of them. In the first place the Government of India have directed the attention of the Ceylon Government to the medical and sanitary requirements of Indians and asked that their housing accommodation should be better attended to than it has been hitherto. In the second place, the Colonial Government have been asked to provide better educational facilities for the education of the children of Indian labourers. The second request has been accepted in principle by the Ceylon Government. As regards the first point, I understand that a committee has been appointed to look into the question raised by the Government of India.

Now, Sir, what will be the effect in case Indians are forced to renounce their claim to the protection of the Government of India? Nobody seriously supposes that any of the reforms I have described would have been effected but for the pressure exerted by the people and the Government of India in unison. But the language used by the Governor of Ceylon in his despatch makes one fear that, should Indians give the undertaking he has asked for, not merely will all questions relating to future improvement be practically shelved, but that even their existing rights will be jeopardised. This question was discussed recently during the debate that took place in the Ceylon Legislative Council in December last, for a second time, on the Report of the Special Reforms Commission. The Colonial Secretary, referring to the speech of an Honourable Member during the debate, said when he wrote this despatch. "It was the intention of His Excellency that those privileges to which the Honourable Member made reference should be among the privileges to which claims would be renounced in certain circumstances." The Colonial Secretary, after this, used some reassuring language and said that the renunciation of a claim did not mean the same thing as its cancellation. But considering the special position of the Indian community in Ceylon, considering the stress that has been laid on this matter, we shall be deluding ourselves if we think

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that there will be any guarantee of the continuance of the rights already granted to Indians should they consent to forego the protection of the Government of India which they have hitherto enjoyed.

I hope, Sir, that the concrete instances already given of the manner in which the protection of the Government of India has operated to improve the status of Indian labourers in Ceylon will convince the House that the matter is not of academic importance. But I venture to think that, in a matter of this kind, we have also to see whether a principle that is accepted in Ceylon will not have effect far beyond the borders of that particular Colony. Our countrymen are resident today in most parts of the British Empire. We have therefore not merely to protect the rights of Indians in Ceylon, but also to be careful that we agree to nothing which would weaken the constitutional position of our countrymen elsewhere. (Hear, hear.) Sir, the novel doctrine that Indians should be entitled to the rights of citizenship only when they give up the protection of the Government of India has been enunciated for the first time by the Government of Ceylon. Indians are resident today, as the House well knows, in South Africa, in East Africa, in Fiji, in British Guiana and elsewhere. In some of these colonies they have been settled for generations, and the larger part of the population there consists of men who immigrated more than a generation ago or their descendants. For all practical purposes, therefore, they may be regarded as having acquired a new domicile, but no Government has yet put forward the claim that, as Indians have been resident in its territory for more than a generation or two, the people and the Government of India have no right to lift their voices on their behalf. What would have been the position of our countrymen in South Africa had that principle been accepted? What would be today the position of our countrymen in East Africa if effect were given to the theory underlying the demand made by the Governor of Ceylon? Sir, if this principle were accepted, it would mean the destruction of the rights of Indian minorities wherever they may be today, and with all the force that we can command, we must oppose the novel doctrine enunciated by the Governor of Ceylon and inform the British Government that Indians must be dead to all sense of self-respect and all feelings of honour before they can allow the rights of their countrymen to be trampled underfoot in this manner.

After the passing of the Indian Emigration Act of 1921 the Government of India were asked to consider the reopening of Indian emigration to British Guiana, and on what terms did they agree to it? Did they say that Indians going and settling down there would be regarded as having cut themselves adrift from India and as not being entitled to the further protection of their countrymen and their Government? On the contrary they insisted on guarantees of equality of rights being conceded before Indian emigration was allowed to be reopened. They further demanded that any Indians who immigrated should be allowed to become integral parts of the population of British Guiana, and should be given every opportunity of becoming settlers in the full sense of that term.

No question arose in exactly a similar form with regard to Fiji, but the position of the Government of India with regard to the status of Indians in Fiji has been absolutely the same. As the papers published in 1927 clearly demonstrate, the Government of India insisted, even in the case of Fiji, that guarantees should be given that Indians in Fiji would enjoy the same rights as the other sections of the population. Why then, in

the case of Ceylon alone, which is on our very borders, and between whom and India there subsists a far more intimate connection than between India and any other colony, should our countrymen be compelled to submit to the humiliating condition laid down by the Governor of Ceylon?

I could give another instance to show how unjustifiable is the demand of the Governor of Ceylon. We have heard a great deal about the East African problem of late. We know that the Europeans there are demanding responsible government for themselves. Have they been asked to be permanent residents of that colony, give up their English domicile and renounce all rights to the protection of the British Government before they can exercise the franchise in Kenya? No such condition has been imposed on them, no such obstacle has been placed in their way. On the contrary we know that, but for the strong public feeling in India and the equally strong support given by the Government of India, Europeans today would have been in the enjoyment of responsible government in Kenya. If no such limitation is placed in any part of the British Empire on the rights of Europeans, what right have you to discriminate between Europeans and Indians in this respect?

I can give even a more forcible illustration of the value attached to the point I am discussing by Englishmen wherever they may be. Most of us, I hope, know the causes of the Boer War of 1899. After the discovery of gold in the Transvaal there was a great influx of outsiders into that Colony. The people of the Transvaal were afraid of the influence of outsiders in political matters. They raised the franchise qualification from two years to five years' residence in 1882, and to 15 years in 1887. This was not acceptable to the outsiders. I can relate the principle involved in the words used in a book called "Dominions and Dependencies in the British Empire", and published in the British Empire Series:

"A great influx", says this book, "not only of capital but of population followed to the gold mines and soon the position in the Transvaal was that the 'newcomers', as they were called, who settled in and around Johannesburg, outnumbered the native population. They created a dilemma. The newcomers provided most of the revenue to the State and wanted a part in its management, but the older population had made great sacrifices to establish and maintain the independence and traditions of the Republic and feared that the control of the State might pass from them if they gave unrestricted franchise to the newcomers. The difficulty was to find a compromise that would be satisfactory to both sides. Attempts were made but failed, and the result was the second Anglo-Boer War in 1899-1902."

Mr. President: The Honourable Member is exceeding his time limit now.

Pandit Hirday Nath Kunzru: I will finish very soon. This war, Sir, in the words of Professor Ramsay Muir, in "The Short History of the Commonwealth", "appeared to the majority of British people as a war for equality of rights and against the inequity of racial ascendancy".

Sir, I think I have said enough to show that, whether we consider the practical importance of the matter or the principle involved in it, we must oppose with all our strength and determination the unjust demand of the Governor of Ceylon.

Just one word more before I have done. I have already stated, Sir, that there are about 700,000 Indian labourers in Ceylon, but all of them cannot in any case be registered as voters. About 280,000 of these are

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children; there remain 470,000 labourers consisting equally of men and women. If we exclude those who have put in less than 5 years' residence and also women less than 30 years old, I think we may take it that the maximum number of Indian electors would be about 300,000. Now the maxim electorate under the recommendations of the Ceylon Commission would be about 1,800,000. Would the enfranchisement of 300,000 Indians in any way jeopardise the rights and interests of the rest of the population of Ceylon?

In order to understand the real cause of the trouble that now exists, I hope you will allow me to mention briefly one or two points before the House. I am sorry if I am exceeding the time limit, but I do hope that, in view of the importance of the matter, you will give me three or four minutes more.

Mr. President: In view of the importance of the matter, there will be many other Members willing to take part in the debate.

Pandit Hirday Nath Kunzru: I promise, Sir, that I will not take long.

Mr. President: If the Honourable Member wants this question to be decided to-day, he should bring his remarks to a close now.

Pandit Hirday Nath Kunzru: I do want the question to be decided to-day and without the least delay.

At present the Indians, because of their industry and enterprise, are playing a more and more important part in the economic life of Ceylon. We already know that the main agricultural industries of Ceylon depend on Indian labour. In the towns, the Indians' share in trade is increasing. Apart from this the House must bear in mind the position of Indians who emigrated from India long long ago, but who are called Ceylon Tamils. Their influence too is extending. They are coming to acquire a more and more dominant position in business and industry, and although these Ceylon Tamils are integral parts of the population of that Colony, yet I fear that the Cingalese, in considering the Indian question, lump together the Ceylon and Indian Tamils. That, Sir, is one reason, and a very important reason, of the prejudice that exists to-day against the Indians amongst the Cingalese.

Then, Sir, there is the fact that the existence of an Agent of the Government of India in Ceylon is not regarded with favour in certain quarters. To give only one instance, the Controller of Indian Immigrant Labour, who would otherwise be in supreme charge of Indian labour, now finds himself practically ousted by the Agent of the Government of India. It is not human nature, under these circumstances, that the presence of the Agent of the Government of India should be welcomed by the authorities in Ceylon.

In the thirdrd place, Sir, there is commercial influence against the Indian labourers. We have heard a great deal, Sir, of planters in various parts of the Empire. But in Ceylon it is not the planter that is responsible to-day for the prejudice that exists against the Indian. In Ceylon the word "planter" means the Superintendent of an estate. I understand that this functionary is sympathetic to the labour population under

him. But he is only in the position of a Manager. He has to take his instructions either from the proprietors or from the managing agents and it is these managing agents, known as the agency firms, that objected to the improvement made in the condition of Indian labour when Ceylon labour was in a very different condition. Now it is not our fault that the conditions of Ceylonese labourers has not been improved. It is, I think, a stigma on the Government of Ceylon that they have neglected the welfare of the people of their own country. This is a warning to us as to what might happen to our countrymen.

Mr. President: Order, order. I think other Honourable Members who wish to participate in this debate must have a chance. It is very unfair and the Honourable Member will, I hope, realise it and discontinue his speech.

Pandit Hirday Nath Kunzru: Half a minute, Sir, and I will finish. This shows what our countrymen might expect in case they had to renounce the protection of the Government of India. In a way we might say that we are really the benefactors of the labourers of Ceylon, for it is owing to the improvement in the condition of the Indian labourers that a movement has been set on foot in Ceylon to do something for the Ceylon labourers.

In view of what I have said, I trust that this House will accord its unanimous support to this Resolution. The Colonial Office probably seems to have thought that India is too much involved in her own domestic affairs to care about the fate of our countrymen elsewhere. This is a dangerous delusion and the sooner the Government of India take steps to disabuse the Colonial Office of this wrong notion, the better. In his despatch, the Governor of Ceylon speaks of his South African experience. We cannot have South African notions imported into other colonies. If the British Government propose to create another South Africa, I venture to say humbly but most emphatically that it would mean the beginning of the doom of the Empire. (Applause.)

Mr. President: Mr. K. C. Roy.

Mr. K. C. Roy (Bengal: Nominated Non-Official): Would you not like to adjourn for Lunch?

Mr. President: The Honourable Member can have only fifteen minutes to speak. Would the Honourable Member prefer to speak after Lunch?

Mr. K. C. Roy: I leave it to the House. That is a matter for the convenience of the House.

Mr. M. A. Jinnah and other Honourable Members: After Lunch.

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 in the Chair.

Mr. K. C. Roy: Sir, for the original Resolution I move to substitute the following:

"This Assembly recommends to the Governor General in Council that he be pleased to communicate to His Majesty's Government the respectful protest and regret of this House at the tentative acceptance by the Colonial Office of the proposals of the Government of Ceylon regarding franchise in so far as they make possession of a certificate of permanent settlement and renunciation of the protection of the Government of India by Indian emigrants a condition of eligibility to vote without affording an opportunity to the Government of India and to this House to express their views, and to urge upon His Majesty's Government that immediate steps be taken to secure the adoption of the original recommendations of the Donoughmore Commission, making five years' residence the basis of the franchise."

Sir, I have purposely used the word "tentative" because we have no information on the subject before us; and I have also put in the words "acceptance by the Colonial Office" and not "by His Majesty's Government". I think, Sir, the door is still open to us for negotiation. At the outset, I desire to pay my tribute to my Honourable friend, Pandit Hirday Nath Kunzru who has said all that could be said on behalf of Ceylon Indians. Some of us who are interested in the problems of Indians in Ceylon cannot be too grateful to him. But my difference with him lies in two or three factors. The factors are these. When I read his Resolution, I at once concluded that he was imposing upon the Governor General in Council a duty which could not be discharged. He wanted the Governor General in Council to disallow the Ceylon Government's recommendation; he wanted the Government of India to restore the recommendation of the Donoughmore Commission. With the best of intentions in the world, the Governor General in Council could not have done these. However, Sir, he has amended his Resolution to that extent.

The second point that occurs to me, to which also he has made a reference, is the condition of Indians abroad. Sir, if you take an impartial retrospect of the condition of Indians who have gone out to the various parts of the British Dominions and Crown Colonies, you will realise at once that there has never been a gloomier period. In the Pacific, in Fiji, the Indians are now practically fighting for their rights. Three of the elected Members in Fiji resigned their seats and went out of the House on a question of policy, a contingency which I regret because I do not believe in resignations; fresh writs have been issued, but none have been forthcoming. This is the position in Fiji. In the Far East, in the Federated Malay States, Sir, as you are aware, the Indians are in a very bad condition. A motion on this subject is on the notice paper, and I do not know whether it will ever come up for discussion, because possibly the Federated Malay States are a British Protectorate. Then, Sir, coming to Africa, the East African position is as bad as bad can be. The British Cabinet, as far as I can find, is unwilling to take a decision, and possibly, Sir, the Hilton Young and Wilson Reports will be relegated to a Joint Committee of the House of Lords and of the House of Commons. But from our point of view a decision by His Majesty's Government would have been invaluable. But that is not to be and we shall be asked to risk a decision of the Joint Committee. This is the position in East Africa. If you look round His Majesty's Dominions you will find we are prohibited emigrants in most of these. Today, Sir, the fog-screen created by the Habibullah Mission has been slowly pierced and today the position in

East Africa is far worse than it ever was before. This is not my wording, this is the wording of a telegram sent by the Transvaal Indian Congress to the Imperial Citizenship Association, Bombay, copies of which have been sent round to you as well as to Members of this House.

Under these circumstances, the Resolution which my Honourable friend, Pandit Hirday Nath Kunzru, has placed before the House is timid and halting and not in keeping with the sentiments of this House as well as the sentiments of those outside. What does he want? He wants the Government of India to make a representation. He is asking the Governor General in Council to do things which it is their obvious duty to do. I should not be surprised at all if Mr. Bajpai tells me that this representation has already been made. Then what is the good of his asking us to practise this fine art of self-deception? It is a Resolution the wording of which is in perfect keeping with the constitution we had during the Viceroyalty of Lord Chelmsford? This Resolution, I believe, even in a thin House, is not in keeping with the traditions of this Assembly and the duties which it has from time to time performed.

Then, Sir, what do I want? Let the House examine the position in Ceylon. The position in Ceylon has been fully explained, and it is this, that for the first time in a Crown Colony an attempt is being made to introduce discrimination. Is it in keeping with the accepted policy of the British Government? I say, no. In war conferences, in Imperial conferences the policy has been distinctly laid down that there shall be no discrimination in British Crown Colonies, but we have been told now that Lord Passfield has accepted this doctrine of discrimination. I put it "tentatively" because the despatch does not bear the half-mark of the British Government. Lord Passfield's name is well known to most of us. His is an honoured name in India; he visited India several times; he is fully conversant with our position. It is surprising that a man of his knowledge, unless the proposal has been dictated by considerations of policy, has been a signatory to the despatch sent to the Ceylon Government dated 29th October. Let us see, what is the purport, the intention, of my amendment. I desire that the Government should communicate to His Majesty's Government the protest and regret of this House that this House has not been consulted. For this purpose I shall inform this House that the Donoughmore Report was published nearly two years ago. You know what happened after the Donoughmore Commission reported. On the 2nd June, His Excellency the Governor communicated his despatch to the Secretary of State for the Colonies, and on the 10th October, Lord Passfield sent out his reply. This was printed on October 20th and afterwards presented as a State Paper both in Ceylon and in England. What has really been the position of the Government of India for so many months and for so many years? The Ceylonese have in their possession the views of their Government. The British taxpayer has in his possession the opinion of the British Government. And here we are in India without any expression of opinion from the Government of India. I claim, Sir, that this has produced a great demoralising effect upon the Indian population in Ceylon. Till now, from the time of the publication of the Donoughmore Commission's Report, the Government of India have not favoured us with an expression of their views, as to what they think of the Report signed by the Donoughmore Commission and of the proposals of the Ceylon Government, as also of the reply to the memorial which was submitted by two Indian Members of the Ceylon Legislative Council. I claim that the Government of India have kept us absolutely in the dark, and it is by the merest chance that we have

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been asked to discuss this matter today. I balloted twice for a Resolution on Ceylon and my Honourable friend, Pandit Hirday Nath Kunzru, was able to get an honourable place, seventh on the list today. Had there been a full House there would not have been the slightest chance of raising the Ceylon issue on the floor of this House. Under these circumstances the Ceylon issue would have been left to the Executive Government. On Sunday last there was a meeting of the Emigration Committee. My views of the Emigration Committee are well known and I have also no desire to go into what took place there. All I wish to say is we are entitled to know what views the Government of India expressed on the Donoughmore Commission's Report, on the proposals of the Ceylon Government and on the memorial submitted by the Indian Members of the Ceylon Legislative Council. I am sure, Sir, that the Government of India could not have lost any opportunity for the benefit of Indians; I am equally sure that, if there were any such opportunities, they have utilised them for the good of India; but I am not satisfied on one point, namely, that the transactions, if any, should have been withheld from us. I, therefore, consider it our duty to enter our respectful protest.

Now, Sir, the Member sitting on the Treasury Bench may say, "Pass your amendment on behalf of the House; but why drag in the Government of India?" That is because we have no indication that the Government of India have been consulted or that they have of their own accord given any expression of opinion to His Majesty's Government. That, Sir, is the position; and I want the House to consider, with due respect to our Secretary of State, whose good intentions we all acknowledge, how far it is consistent with his policy of "Dominion Status in action". Here is a most important transaction affecting 8,00,000 Indians in a colony, which by culture, by history and by civilisation is akin to us. Here is an attempt made to differentiate in a Crown Colony between a local native of Ceylon and an imported immigrant. What is our position so far as Dominion action goes? I do not know, Sir, whether at any stage the Secretary of State for India was consulted. The Secretary of State for India has a dual capacity, which I know from my experience as a member of the Indian Colonies Committee. He is the Head of the Government of India; he has got enormous power and overriding authority; he is also a member of the British Cabinet. That is his dual capacity. It may be that the British Cabinet discussed this proposal in a Cabinet meeting; it may be that he represented the Government of India, but he has voted as a British Cabinet Minister, I will not say that he has done it, but it may be that such a contingency exists. Where do the Government of India come in? Have the Government of India been consulted and have they published their views? Have they ever been called to a conference to decide this question? Nothing of the sort. And this is Dominion Status in action.

Now, Sir, what is the duty of this House? Time and again we have discussed these colonial proposals. Time and again we come to an amicable understanding with the Government of India that our position should not offend His Majesty's or any Government. These are wholesome maxims. But they are not just or fair political practices to the Members of this House or to Indians outside this House or to Indians in the colonies. Our clear duty is to enter our most emphatic and respectful protest against this discrimination. This is not the first time that discrimination has been sought to be made. Only recently an attempt was made to institute what is

known as the Land Commission: the object of this Land Commission was to give lands on easy terms to everybody excepting Indians. I do not know what happened to it; but one discrimination leads to another. If this House permits, or leaves any room for doubt that we resent this discrimination, there may be more discriminatory laws in times to come. That point should be made clear. But, Sir, knowing as I do the methods of the Colonial Office, I fear that a mere representation couched in milk and honey as my Honourable friend has proposed, will not do; we ought to show the big stick (Hear, hear). The future of the Ceylon Government, the future of Ceylon is in our hands. They are dependant on us for their labour. For that, Sir, this House has a special responsibility, because we passed the Act, and so have the Government of India. If we cut off labour supplies tomorrow, the Ceylon Government cannot go on. The island of Ceylon is also dependant on us for their food supplies. In any representation that the Government of India may make, this point should be made absolutely clear, that in the event of any discriminatory legislation, the first and fundamental duty of this House, as well as of the Government, should be to stop further emigration. With these words, Sir, I commend my amendment to the vote of the House.

Mr. Arthur Moore: (Bengal: European): Sir, I think that in the whole House today there must be general agreement that Pandit Kunzru has called attention to a most important matter and that we are all, from the extreme right to the extreme left, with him. (Hear, hear). This is at any rate an aspect of Indian nationalism where we feel that we can all work together, and we do think that not only it is extraordinarily important that throughout the British Empire there should be a certain privileged position attaching to citizens of the Empire, so that although admittedly every part of the Empire is entitled to have its own immigration laws, a citizen of the British Empire should not be treated as if he were a complete foreigner and stranger who is called upon to take out naturalisation papers; but also we do feel that, in the case of the island of Ceylon, which is at our doors, and with which we have such important trade and intercourse, it is a very disturbing thing to find the possibility of such a law being passed, and passed without a realisation of the feeling that it must arouse in India. Therefore, Sir, it seems to me that the real question we have got to decide today is: what is the most effective form of action we can take and what course is open to us? Is the door open or is the door closed? I think that really we have got to choose between the Resolution of my friend, Pandit Kunzru, and the amendment of Mr. K. C. Roy. Mr. Roy describes his amendment as the big stick; he describes Mr. Kunzru's Resolution as milk and honey. I do not quite accept either description, but I feel that if all we can do is to frame a funeral wreath, then it may be better to accept Mr. K. C. Roy's amendment; but if the door is open, if negotiations are possible, if the thing is not a *chose jugée*, then I far prefer the Resolution of my friend, the Pandit. I do not think that the diplomatic effect of a Resolution from this House,—forwarded by the Governor General in Council to His Majesty's Government,—of protest and regret for their acceptance, (even if you qualify their acceptance by the word "tentative") will produce any favourable effect whatever. I think it is much more likely to be read as an acknowledgment that the protest comes too late, and I do not think it will be regarded as an effective threat.

Mr. Roy has just spoken of two possibilities of pressure. He referred to labour and he referred to food. We know quite well that those courses

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are not open to this House. We know that Indian labour goes to Ceylon for economic purposes, and that we cannot punish our own nationals, for that is what it will come to, merely to conduct a quarrel with the Government of Ceylon. We know also that we sell food to Ceylon for economic purposes, and we cannot again, in order to conduct a quarrel with the Government of Ceylon, prohibit the traders who are engaged in supplying food to the island of Ceylon or those who produce that food in this country; and furthermore, His Majesty's Government, which is the channel through which we have got to operate, is not the Ceylon Government, and it is not His Majesty's Government that is dependent either upon this food or upon this labour. Therefore, we have got to accommodate our means to our ends. We have got to attempt the most effective action open to us at this moment. I think we are entitled to believe,—and I was particularly glad in listening to the Honourable Pandit Kunzru to notice that he paid a tribute to the Government's action in the past both in Africa and also in regard to the improvement of the status of Indian labour in Ceylon,—I think we are entitled to believe that the Government have the very best intentions in this matter, and that after listening today's debate and having its hands strengthened, it will make a very great effort to see that, whatever space is left between the opening and the closing of the door, they will not allow that door to get shut permanently. Therefore, I suggest that the effective action for the House today to take is to support Pandit Kunzru as emphatically as possible, and I have no doubt that the Government, reinforced by that action, will take immediate steps to secure that any tentative acceptance, if such there be, does not become practical acceptance.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadan Rural): A word, if you will permit me, Sir, about the speech of my Honourable 3 P.M. friend, Mr. Roy. He reminds me of a young man who was travelling in a boat and made a speech and thoroughly enjoyed it. He turned to a young lady friend of his, who was in the same boat and asked her "What do you think of my speech"? The young lady said, "The speech was very pointed, but not to the point". My Honourable friend has accused my friend, Pandit Hirday Nath, for having brought forward a very tame and halting Resolution. Is practical wisdom to be mistaken for timidity? He has talked a great deal about the big stick, but I fail to discover it in his amendment, unless it is concealed underneath the respectful protest which he wishes to lodge. I am very glad, Sir, that in future we on this side of the House can expect Mr. Roy to come forward with his big stick in dealing with such burning questions.

Now, Sir, I agree with my friend, Mr. Arthur Moore; that we are all indebted to Pandit Hirday Nath Kunzru for having initiated this debate. On these occasions we are made aware of the misery and the agony of our present political position. A question like the one we are discussing at this moment brings home to us our degradation as nothing else can. The real solution, if I may be permitted to say so, lies not in the adoption of a reform in this country or in the removal of a grievance in another, but in the freedom of India and in the acquisition by Indians of the full rights of citizenship in their own country.

We may well ask, what is the position assigned to Europeans in Ceylon? Have they been treated in the same way as Indians have been treated in

Ceylon? Obviously, the Europeans in Ceylon are not the inhabitants of Ceylon as are the Cingalese. This fact was not absent from the mind of His Excellency the Governor nor of the Donoughmore Commission. In their Report, at page 98, the Commission say:

"Some of the Europeans may be regarded as more or less permanent residents, but a large majority must be looked upon as having their main interests and domicile outside Ceylon."

They admit that most of the Europeans in Ceylon have their domicile as well as their interests outside Ceylon. Now the question arises, when the position of Europeans and Indians is similar, why should there be any discrimination between them? Why should you have one set of rules for Europeans and another set of rules for Indians? In the retention of this discrimination between the two communities, I submit, lies the root of future trouble, in it lies the root of a great deal of conflict which I hope may in time be averted. At page 9 of the Memorandum regarding the Indian franchise in Ceylon, this is what the Governor says:

"The Europeans also are not regarded as Ceylonese, but in respect of them apprehensions based on numbers and concentration do not arise. There is the obvious further point that Indian labourers for the most part have not enjoyed opportunities for the acquisition of education or of political experience comparable to those enjoyed by the Europeans. The general circumstances of their lives certainly are less conducive to the formation of an independent judgment, and not more conducive to the formation of a specifically Ceylonese outlook, on public affairs. It is feared in some quarters that the votes of a very large number of the Indians here would be at the disposal of high-caste personages from beyond the Palk Strait, who, if they thought it worth while, might manipulate them for purposes and in interests not necessarily appertaining to Ceylon nor unaffected by tendencies which neither Ceylonese nor Europeans would wish to see introduced."

I have considered it fair to read the entire passage in order to bring out the considerations which weighed with His Excellency the Governor in recommending a system which recognised discrimination between the two communities. I do not for a moment wish to say that we grudge the right that has been given to Europeans. They should have it. My point is that the same right should have been given to Indians. I advocate a process of levelling up and not levelling down. Subject to certain conditions, which are obvious, the treatment of Europeans and Indians should be the same, as long as Ceylon and India are in the Commonwealth. There should not be this glaring inequality between the treatment of these two communities.

I find myself in agreement with the remarks of Mr. Roy when he asks the representative of the Government of India in this House to tell us in clear and distinct language what they have been doing. I venture to hope that when he offers the explanation, we shall find it to be satisfactory. The point at issue is so obvious, the injustice is so flagrant, that a long speech is hardly necessary. I shall only say a word or two and then resume my seat.

It was only the other day that we read in the papers how an attempt was made in the House of Commons to show that Dominion Status was already in action in India. I ask, Sir, with all respect—it is a very timid and halting expression to use but I wish to use it all the same—is this Ceylon injustice a proof of Dominion Status in action? Is our treatment in Fiji, in East Africa, and in other parts of the Empire a proof of Dominion Status

[Munshi Iswar Saran.]

in action? In view of the trouble all over the Empire, I ask, is the more use of this expression going to convince people in this country that Dominion Status is already in action? It would be a very excellent expression and a very soothing expression if we only felt convinced of its truth and of its reality. I submit that it is only an oratorical expression used for the purpose of conveying a meaning and an impression which have no foundation to rest upon. I shall only tell Government and the Colonial Office and all those whom it might concern that, if this inequality is not done away with, if this wrong is not righted, the situation, bad as it is, will be worsened. They ought to understand it, and if they do not understand it, the blame will be theirs and not ours, because we have sounded the note of warning. We have told them how we feel the humiliation of our position, and if they do not improve it, they will have to thank themselves if any trouble happens or if the existing discontent and unrest become wider, deeper and more acute.

Mr. G. S. Bajpai (Joint Secretary, Department of Education, Health and Lands): I think, Sir, it might clear up the position if I intervene in the debate at this stage. I cannot claim for myself now the indulgence that is due to a complete newcomer, but I hope that the House will bear with me for such hesitancy of speech as may come of my interrupted association with the House.

My Honourable friend, Pandit Kunzru, has been congratulated, and deservedly congratulated, for the characteristic thoroughness and lucidity with which he has put forward the reasons in support of his Resolution. I would like, if I may, to add my tribute to the manner and the matter of his speech. I agree, and Government agree, with every section of this House that the question at issue is indeed a fundamental question, involving as it does the status of Indians in other parts of the British Empire, and that wherever, whether directly or indirectly, whether explicitly or by implication, whether consciously or unconsciously, there is a threat of the deterioration in the status of Indians resident in any part of the Empire, it is the bounden duty of the Government of India, as it is, I have no doubt the bounden duty of every one in this House, to stand up for equality of status for Indians. It follows therefore, that I am authorised by Government to accept the Resolution which my Honourable friend Pandit Kunzru has moved. Before proceeding further, I think, I ought to take up—I would not like to use the word challenge—to take up certain points which my Honourable friend Mr. K. C. Roy has made in the course of his speech, and also one particular point which Mr. Iswar Saran made, namely, what have the Government of India been doing up to this time, since the publication of the Donoughmore Commission's Report? I hope that all the Members of the House are as intimately conversant with the details of that Report as Mr. K. C. Roy appears to be. In that Report, with regard to the question of the franchise which is the question we are discussing now, it was definitely stated that the existing franchise was restricted in scope and should be modified by making five years' continuous residence the basis for eligibility to the vote for all sections of the community. No discrimination whatsoever was, again to use the words I have already used, explicitly or implicitly, suggested. In the circumstances there was nothing for the Government of India to do. The principle of equality of status for Indians, for which they have all along stood, was neither menaced nor jeopardised.

The next stage was when these proposals came up for discussion in the Legislative Council of Ceylon. I need not go into the details of that discussion. The upshot of it was, that, by a majority of three, the Legislative Council of Ceylon passed a Resolution in favour of imposing a literacy qualification upon the residential qualification which the Commission had recommended. There again the attitude adopted by the Government of India was what the principle I have already stated might lead one to expect. As the Resolution sought to make no discrimination between Indians and other sections of the community, the Government of India did not raise any objection. After that the correspondence between the Governor of Ceylon and His Majesty's Secretary of State was published. It is not necessary for me to recapitulate the substance of that despatch. The conclusion to be drawn from the despatch is perfectly clear, namely, that, in order to restrict the size of the Indian electorate, it has been suggested that not merely will the residential qualification apply, but that it shall be reinforced by certain declarations, one declaration being a declaration of renunciation of the special protection of the Government of India, and the other declaration being a declaration of intention to reside permanently in Ceylon. As soon as this correspondence was made available to the Government of India, the Government of India represented to His Majesty's Government that, consistently with their obligations to Indians in Ceylon, and consistently with the position which they have all along maintained as regards the status of Indians in other parts of the British Empire, it was not open to them to acquiesce in the conclusions which had been reached in the course of this correspondence; whether provisionally or otherwise.

Pandit Hirday Nath Kunzru: May I put a question to my Honourable friend? Was the Government of India consulted before the Colonial Office despatch was sent out to Ceylon?

Mr. G. S. Bajpai: No, Sir. The Government of India were not consulted before the Ceylon despatch was sent out. Sir, the point that I was going to make was this, that as soon as it came to light that proposals had been put forward and accepted which aimed at the restriction of the size of the Indian electorate, indirectly, perhaps, but effectively, the Government of India made representations to His Majesty's Government.

Mr. K. C. Roy: May I ask the Honourable Member to tell the House whether the Government of India were at all consulted on the proposals of the Ceylon Government, or whether the Government of India made their representations after seeing the debate in the Ceylon Legislative Council?

Mr. G. S. Bajpai: I think that I have made the point perfectly clear. My Honourable friend asked whether before the Secretary of State for the Colonies addressed the Ceylon Government, he asked the Government of India to make any representation on the proposals of the Governor of Ceylon. I said, "No". That answers the question.

Mr. K. C. Roy: I want the Honourable Member to tell the House whether the representation which the Government of India made was made on the representation made by the Governor of Ceylon to His Majesty's Government.

Mr. G. S. Bajpai: There are, Sir, so many "representations" in the Honourable Member's question that it is rather difficult to follow it.

Mr. K. C. Roy: If you cannot follow, I am sorry for you, but what I wish you to tell the House is whether you were asked to express your views on the despatch which the Government of Ceylon sent to His Majesty's Government?

Mr. G. S. Bajpai: My Honourable friend is only repeating Pandit Hirday Nath Kunzru's question in language which is more involved.

Mr. K. C. Roy: Mr. Kunzru asked whether the Government of India was consulted before Lord Passfield's despatch. That is not my point.

Mr. G. S. Bajpai: What the Pandit was asking was whether the Government of India were given an opportunity of making representations before the views of Lord Passfield were communicated to the Government of Ceylon. Obviously, the Government of India, if they had been given an opportunity, would have been given the opportunity on the basis of the Governor of Ceylon's proposal. There was nothing else to comment upon and, as I have said, the Government of India did not have that opportunity.

Mr. K. C. Roy: Then I understand that you made the representation after seeing the result of the discussion in the Ceylon Legislative Council.

Mr. G. S. Bajpai: No, Sir.

Mr. K. C. Roy: Then after receiving the report from the Agent!

Mr. G. S. Bajpai: I wish my Honourable friend had followed the newspapers as carefully as he expects us to follow them. The position is that the discussion in the Ceylon Legislative Council took place after the publication of the despatches. The Government of India made representations to His Majesty's Government as soon as the despatches were published. It was not necessary for them to wait for the debate in the Ceylon Legislative Council any more than it would have been consistent with their duty to wait for making representations, until this discussion took place in the House.

I am sorry that I was interrupted in the statement of the case in my own way. The position, as I have said, is that as soon as the Government of India became aware of the real purport of the proposals contained in that despatch they made representations to His Majesty's Government. Further, it has been said that the House has not had an opportunity of making its own views heard on this occasion. I think, Sir, that it is only fair to Government to concede that, if an opportunity for the expression of the views of the House has not offered itself, it is not through any fault of the Government. After all, Government do not control the hazard of the ballot; it is not in their power. The Government of India took the only constitutional step that was open to them, namely, to call into conference with them as soon as opportunity occurred, the members of the Standing Emigration Committee of the Legislature as well as prominent party leaders and Honourable Members of this House who were interested in this question. My Honourable friend, Mr. K. C. Roy, was one of them.

Mr. K. C. Roy: That was on Sunday last!

Mr. G. S. Bajpai: It is perfectly true, but how long has the House been in session? We called them into conference, and we propose to pass on their views, as also the views that have been expressed by Honourable

Members already, or that may be expressed hereafter in the course of today's debate, to His Majesty's Government. But the substantial point is this, that the Government of India agree in the views expressed by the Pandit and others that His Majesty's Government be asked to reconsider the whole question because of the immensity of the issues involved. It is not that the Government of India wish to interfere unduly in the affairs of Ceylon, nor is it that they wish to arrogate to themselves the position of the protector of Indians for a day longer than is absolutely necessary; but, until the Indian community in Ceylon is capable of protecting its own interests, it is the business of the Government of India, it is their duty, a duty which they mean to discharge, to protect their interests to the best of their ability.

I now turn to one specific question. Is the door definitely closed to our representation? I say emphatically, no. The door is not closed.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Why not?

Mr. G. S. Bajpai: Why should it be?

Mr. M. A. Jinnah: I want to know the reasons why the door is not closed?

Dr. A. Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): If the door is not open, we shall force it open.

Mr. G. S. Bajpai: It seems to me that my Honourable friend, Dr. Suhrawardy, is also afflicted with the big stick mentality. I do not think that there is any occasion for anybody to force the door open at all. If my friend, Mr. Jinnah, will bear with me, while I read out the relevant extract from the despatch.

Mr. M. A. Jinnah: I do not want any despatch to be read out. My question is a very simple one. The Honourable Member has asserted that the door is still open and he said so most emphatically. I would like him to tell the House what are the reasons which makes him so hopeful.

Mr. G. S. Bajpai: I do not for a moment insinuate that my Honourable friend has asked that question in any spirit of hostility and my whole object in seeking his permission to read out a relevant passage from the despatch is to prove to him why we think that the. . . .

Mr. M. A. Jinnah: Do not read that despatch, but tell me in your own words what is the position.

Mr. G. S. Bajpai: Very well. The despatch definitely says, "I propose to adopt your proposals". It does not say, "I have adopted your proposals". That is what the Secretary of State for the Colonies has stated to the Governor of Ceylon. I interpret that to mean that there is an avenue left to the Secretary of State for the Colonies to reconsider the matter, just the same as there is opportunity left to the Government of India to make representations. Further, it is not contended, either by the Secretary of State for the Colonies or by the Governor of Ceylon, that immediate steps shall be taken to introduce a particular franchise or a particular form of franchise. The Secretary of State in his reply very definitely says to the Governor: "You have raised this question of domicile. The question of domicile is a very difficult and technical one and I cannot off-hand say in what form I am going to accept it". It seems perfectly clear to me that when this question of domicile is being examined, we have

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the opportunity of making representations. Last of all, it seems to me that, apart from verbal interpretations of the language of the despatch, the mere fact that the issue is of such an importance that it concerns the interests of three-quarters of a million people who contribute to the economic prosperity of the island, and on whose continued assistance, the economic prosperity of the island depends, and that the Government of India and the Legislature in India and the whole people of India are behind the demand for the reconsideration of this question seems to be in itself a sufficient guarantee that this matter will be considered by His Majesty's Government.

Mr. M. A. Jinnah: Will be reconsidered.

Mr. G. S. Bajpai: Well, have it "reconsidered" if you like. I do not quarrel with the use of the prefix "re".

I come now to the suggestion of my Honourable friend, Mr. Roy, that we should lodge a protest with His Majesty's Government, because he thinks certain things have not been done. Well, Sir, he knows as well as I do that it is not permissible, while negotiations of this nature are in progress between the Government of India and His Majesty's Government, it is not open to us to publish the correspondence. Could we publish the correspondence, I am sure that most of my friend's suspicions and inferences would fall to the ground. In any case, I think, there is much to be said—in fact it is the view which all of us on these Benches take—for the view of Mr. Arthur Moore that the stage for protest and for approaching the problem in any spirit of resentment or hostility has really not come. There is no occasion for protests now. As soon as the difficulty came to light, we made representations to His Majesty's Government. We have not yet had any reply from them that these representations will not be considered. Why then take it for granted that these representations will fail? Why approach the future in a defeatist spirit or in a spirit of strike? Wait for the time when the result of our representations is definitely known. If nothing comes out of what the Government of India are doing, then by all means raise the question of lodging a protest. At the present moment, it seems to me that the proper thing to do is what my Honourable friend the Mover of the Resolution has suggested, namely, to advise His Majesty's Government to reconsider the matter and to continue to press our representations, fortified as we now are with the views that have been expressed in this House.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to support the Resolution moved by my Honourable friend Pandit Hirday Nath Kunzru. As it is now clear that the Resolution meets with the approval of practically every one in this House, it is not necessary for me to go into the details of how the recommendations of His Excellency the Governor of Ceylon are thoroughly unsuitable to Indians in Ceylon and how to us they look like an outrage on the rights of Indians in Ceylon. The Honourable Member, representing the Government of India in this House for this specific purpose, has told us what the attitude of the Government of India in this connection is. I submit this is not a Resolution of mere academic interest. It is a Resolution of very great importance, and the development of the situation in Ceylon is one which appears to me to have some ugly aspects about it of which this House should take notice, without delay.

One of the aspects is that it is sought, by executive action, to modify in principle the recommendations of a Commission which, as far as I remember, submitted a unanimous Report. Under that Report Indians in Ceylon are entitled to certain franchise. The Governor of Ceylon, for the sake of expediency, and, in order to satisfy certain local interests, proposes to devise a method of minimising the Indian vote and we are asked by the Governor of Ceylon—and here I will quote the words of His Excellency—to believe that, “This is in the interests of our future good relations with the Government and people of India”. I am quoting, Sir, from paragraph 9 of a memorial from two Indian Members of the Ceylon Legislative Council to His Excellency the Viceroy and Governor General of India, dated the 5th December, 1929. One expected to hear from the Honourable Member, the Joint Secretary of the Department in this House, as to how it is in the interests of the future good relations of the Ceylon Government with the Government and the people of India to have this further handicap put on Indians in Ceylon. I daresay that perhaps my Honourable friend, Mr. Bajpai, cannot explain this.

Mr. G. S. Bajpai: I do not wish to interrupt the Honourable Member. I was merely stating in my speech the substance of the attitude of the Government, and I did not feel, at that stage, called upon to traverse in detail the arguments which the Government had used. But I may tell the House now that the Government of India, certainly, are not of the same opinion as the Governor of Ceylon. (Hear, hear.)

Sir Purshotamdas Thakurdas: If the Government of India feel that His Excellency the Governor of Ceylon was not correct in thinking that he was devising this additional handicap on Indians in Ceylon for the purpose of better relations with the Government and the people of India, I have nothing more to say. That, Sir, leads me to another aspect of this new-fangled invention of the Governor of Ceylon.

Where Indians are in a majority, they are to be told by various devices that they should not have the majority vote. Where they are in a minority and it suits the Local Government to please some other section, the Indian in that Colony is to be trampled upon in order to smooth things over. For, what is the net result of the modification of the Ceylon Reforms, as suggested by the Governor of Ceylon? It is nothing but restrictions or qualifications designed to reduce the total number of Indian electors in deference to the fears of some Cingalese leaders, the fears that some Indians from beyond the Palk Straits may exercise this vote. Will my Honourable friend, Mr. Bajpai, enlighten me, whether those who have these apprehensions did not give evidence before the Donoughmore Commission? Was it not after the very fullest inquiry, that the Commission came to the conclusion which they have come to? How is the Governor of Ceylon now justified in devising some further safeguards?

The most serious aspect of this question to my mind is the manner in which the Secretary of State for the Colonies appears to have given his blessing to this new idea of the Governor of Ceylon. My Honourable friend, Mr. Bajpai, said in reply to an interruption from my Honourable friend, Mr. Jinnah, that he was justified in thinking that the decision of the Secretary of State for the Colonies was tentative. I wish Mr. Jinnah had allowed Mr. Bajpai to read the portion which he wanted to from Lord

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Passfield's despatch. I will read it to the House in order that I may put before the House my apprehensions in this matter. Sir, the concluding portion of this despatch, dated 10th October, 1929, paragraph 10, reads thus :

"I propose that provision should be made for this qualification in the Order in Council."

Sir, I am not a lawyer, nor am I intimate with diplomatic language in State documents. I daresay that this means, "I have tentatively come to the conclusion which I will revise after hearing from the Government of India". If the Government of India in the relative Department have that assurance from His Majesty's Government or from the India Office, I will be very pleased to hear it. But I cannot help feeling that it is rather ominous that, where Indians are concerned to the extent of nearly three quarters of a million, and where Indians play a very important part in the development of a Colony, the Secretary of State for the Colonies should, without waiting to know what the Government of India think on a particular restriction which the Governor of Ceylon proposes to put on, pass an order. That, Sir, is to my mind, something which should make us think and think furiously. To that extent therefore I sympathise with what has generally fallen from my Honourable friend Mr. K. C. Roy.

Sir, Indians have lately been harassed in various parts of the British Empire ceaselessly. The previous speakers have already spoken about the unenviable position of the Government of India in the Department of Emigration as to the way in which they have to watch the interests of India in various quarters. In East Africa there is the Hilton Young Commission's Report and the Wilson Report, which still continue to hold the field, given the greatest anxiety to Indians in Kenya, and I am sure, to the Government of India too. Then there is a fresh question in Fiji, which has been already referred to. There is the question in South Africa, and if one is to draw an inference from the news about the sailing of a passenger lately, Mr. Tyson I suppose had to be deputed specially to South Africa in order to deal with the situation which has lately been created during the temporary absence of Sir Kurma Reddy, the Agent of the Government of India in South Africa. As if all this was not enough, there comes the question from Ceylon, and the most anxious part of the whole thing is that Lord Passfield, the Secretary of State for the Colonies, has, as looks to me from the extract I have before me, given his blessing to the suggestion of the Governor of Ceylon. It is quite possible that the Government of India, with all the great power which they enjoy,—I do not know whether they enjoy that power *vis-à-vis* the Colonial Office, but they certainly enjoy it *vis-à-vis* this House,—may have the question reopened. But that is hardly satisfactory. What is the position of the Government of India in this connection? The Governor of Ceylon may send a despatch which is available to the Cingalese and the people who want to minimise the Indian voting there; the Colonial Office passes an order which is available to the public: it is only for us,—Heaven knows for what sins of Indians except that she has not an executive responsible to her people,—it is only for us to be ignorant till now of what the Government of India have done. It is a most unsatisfactory state of affairs, and although one would not like to

criticise the Government of India as at present constituted because of their constitutional position, one cannot help protesting against the manner in which these restrictions are being enforced on the Government of India. To that extent, therefore, our protest is most justified, and I think one is entitled to protest rather bitterly that the Secretary of State for India should not permit the Government of India to publish what they have done till now in this connection. Knowing as I do how the Honourable Member in charge of the Department, Sir Muhammad Habibullah, is keen to get for Indians all that is due to them in every Colony and in every Dominion

Mr. B. Das: He is not here.

Sir Purshotamdas Thakurdas: There are worthy representatives of his here. Knowing as I do that, I believe that the Government of India must be doing their best. But I think, Sir, it would be more satisfactory to the public and to this House if they could see the relevant despatches and telegrams before them in black and white. To that extent I think my Honourable friend, Mr. Bajpai, will agree that we in this House are at a disadvantage; and the Government of India should not be surprised if persons who have more inside knowledge of these things than some of us, for instance Mr. K. C. Roy, look at things with a suspicious eye. The position of the Government of India in this matter is unenviable, and whilst one does not wish to criticise them, one cannot help saying that it is highly regrettable that the Secretary of State for the Colonies should have thought fit to pass an order of this nature, even though it be tentative, without consulting the Government of India. I would like in the meantime to believe that the door is still open. Mr. Bajpai will readily recognise the undesirability of hearing a question reconsidered after a decision has been taken, even though tentatively, as compared to the more natural position that the Government of India should have had a say in this matter before the Colonial Secretary thought fit to pass any orders at all. I therefore feel, Sir, that our grievance is, if not against the Government of India for not telling us what they have done till now, certainly against the Colonial Office for having overlooked the Government of India and for having treated the Government of India with what I would call very scant courtesy and consideration which appear to have been shown to the India Office and the Secretary of State for India in this connection, I would like to speak subject to correction, but if there is no correction coming from the other side, I am entitled to infer that the Secretary of State for India was not consulted in this connection, and to that extent I think this House has a grievance against the Colonial Office and against His Majesty's Government.

Sir, the Resolution which is before this House has certain natural corollaries to it. If, as my Honourable friend Mr. Bajpai thinks, the door is open, and if we get what we seek today, as stated in the various lucid speeches which have been made, we have nothing more to say. But should the Colonial Office persist in unholding the suggestions of the Governor of Ceylon, the course of this House is clear and I think admits of no alternative. One wishes it were possible in this debate not to mention anything of what we may have to do hereafter, but I feel very strongly that, after passing this Resolution, the House will have to follow it up, should the Colonial Office not comply with what we consider to be the bare rights of Indians there. There can be no half-way house in the

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course that we shall have to follow. I believe, Sir, that the handicaps that have been sought to be put upon Indians there, at the best, can be said to be short-sighted and greatly wanting in statesmanship. We have been told that the cult of those in India whose ideal is Independence is misguided: I myself strongly think so. But here is His Majesty's Government which gives them handles and which makes some of us who wish to work against this Independence cult in India halt for a reply when we are faced with this sort of position. What justification was there for Lord Passfield to pass this order, knowing as he should do that Indians have played a very important part in the prosperity of Ceylon up till now? Sir, if the British Empire wishes to have the Indian only when and where it needs him and no more after that, and even then in a manner which should only entitle Indians to what would be looked upon as a seventh class passage as against a first class passage which the white man enjoys in Ceylon, truly can the Indian say that he has no use for such an Empire. It is to my mind most pusillanimous to think of even suggesting a thing like this after a Commission had unanimously recommended something which the Indians in Ceylon and the Government of India on behalf of Indians here were prepared to accept. I therefore feel that those who vote for this Resolution today must be prepared to realise what it means should His Majesty's Government not be prepared to do Indians the bare justice which we seek from them at this stage. I feel that there should be no misunderstanding about what this Resolution's natural corollary is. I hope that my Honourable friend, Mr. Bajpai's hopes regarding getting the Colonial Office to do the right thing will materialise. Should they not materialise, this House will have to keep a sharp look-out and cannot falter until they secure to the Indians in Ceylon what they are entitled to.

Sir Darcy Lindsay (Bengal: European): Sir, very few words of mine are necessary to give my entire endorsement on Pandit Kunzru's Resolution. I am strongly with him, Sir, at the grave injustice that has been done to India. I feel, Sir, that this House should raise the strongest protest at the action of the Government of Ceylon and the Colonial Office (Hear, hear) in arriving at this decision without any consultation with a very important partner in the Empire. (Hear, hear.) That is the point that I wish to emphasise, Sir. If we are members of the British Empire, we demand equal rights of partnership in that Empire. (Hear, hear and applause.) Here we have a case that vitally concerns us and yet the Governor of Ceylon and the Colonial Office throw us overboard for their own ends, they do not consult us at all and arrive at a decision of vital moment that is most injurious. That is what I feel, Sir, and we should show as vehement a protest as possible. I agree with my Honourable friend, Mr. Bajpai, that the door is still open. If it is not open, well then, we must re-open it. (Hear, hear and applause.) It must be borne in mind that while these despatches have passed between the Governor and the Secretary of State for the Colonies, the matter has still to be brought before the Ceylon Legislative Council and that is why I agree with my Honourable friend that the door is still open.

Mr. G. S. Bajpai: If I may interrupt my Honourable friend for a minute, I may say that the matter had been before the Ceylon Legislative Council but His Majesty's Government have not yet made any Order in Council.

Sir Darcy Lindsay: I am sorry that that portion of the door is apparently not still open. But as I remarked before, there are always possibilities of re-opening a door (Hear, hear) and that is where we must make our greatest effort. It appears, Sir, on the face of it that in order to get these reforms through Council something had to be done to placate a certain section of the population and it looks to me that the easiest way to attain that end was thought to be throw overboard. . .

Dr. A. Suhrawardy: Sacrifice the minorities.

Sir Darcy Lindsay: Throw overboard what may possibly be regarded as the weaker side. There, Sir, I am not in agreement with the Government in taking that action and especially in taking that action without considering the consequences, as I said before, to another partner. It is a matter, as my Honourable friend, Mr. Moore, has expressed, of vital moment throughout the Empire and on those grounds alone it was surely the only right that the party most affected should be consulted. Sir, I again wholeheartedly support the Resolution so ably put before the House by my Honourable friend, Pandit Kunzru. (Applause.)

Nawab Sir Sahibzada Abdul Qayyum: (North-West Frontier Province: Nominated Non-Official): Sir, I do not think it is necessary for me to make a long speech on this motion. I shall be content with simply associating myself with the views expressed by Sir Darcy Lindsay and some of the other speakers. I do not know at what stage the Government of India undertook to represent the case of Indians in Ceylon to the Home Government, but if, as I understand, the door is still open for discussion and all that the Colonial Secretary suggested in his despatch was that he intended to accept the views expressed, by the Governor of Ceylon, I should think that the door is really still open and that no final orders have been passed by the Colonial Secretary on the subject. I should therefore hope that the Government of India will try their best to solve this question of the intended injustice to the full satisfaction of the Indians in Ceylon and will not be content with the mere representation of their own views or the submission of the opinion of this House on the subject to the Secretary of State for the Colonies. This is all that I have to say, Sir.

Mr. M. A. Jinnah: Sir, I listened to the speech of the Honourable Member speaking on behalf of the Government and he was, I observed, as indignant and as enthusiastic, and he protested almost as any extremist in this country would have protested, both by his language and by his tone and by his gestures, (Laughter) that this was a monstrous injustice done to the people of India, whose guardians and trustees are sitting on that Treasury Bench, on whose behalf he was speaking. Sir, I welcome that indignation and I welcome that feeling which was expressed by the Honourable Member on behalf of the Government of India. Therefore, we are on common ground so far, that this will not do. I will not use any stronger language than that. This will not do. It raises up a very big question, not only a question of the three-quarter of a million people of India who happen to be there. But as has been pointed out by various speakers—and I wish to emphasise it—it raises a paramount issue as to whether India is to be a Dominion within the British Commonwealth or not, and it raises a very serious issue indeed. So far we are on common ground. But what puzzles me very much—and I regret it—is that I have not got any definite information from the Government of India.

[Mr. M. A. Jinnah.]

It seems to me that you stand there as the Government of India, thoroughly humiliated in this business. I wanted to know from the Honourable Member—here is an issue of paramount importance both to those who are in Ceylon and to this country at large—whether the Government of India or the Secretary of State had any intimation before orders were passed on the 10th of October, by the Secretary of State for the Colonies. I understand that no intimation of any kind was given. Am I correct?

Mr. G. S. Bajpai: The date of the despatch is 10th October.

Mr. M. A. Jinnah: Orders have been passed—and here I will not pitch my forensic ability as observed by the Honourable Member against a bureaucrat there, but I appeal to you, read the English language for yourself, and say whether the orders have not been passed. And when did you come to know of them? You have not mentioned it yet; I should like to know that from the Honourable Member. When did the Government of India come to know of it and how? Through the good efforts of my friend, Mr. K. C. Roy, who runs the Associated Press, or otherwise? How did you come to know of that? You have not told us. And when you did come to know of it, what did you do? You did nothing, and still you say that the door has not been closed. Don't you understand that the Government of India are thoroughly humiliated? Where is your Secretary of State for India? Is he living in London or not? What has he done? Did you communicate with him at once and what has happened since as result of it, and what is the substance of the communication, if any, that has taken place? You tell me here today that you hope that those orders do not close the door. And then further, the Honourable Member added that, even apart from that, such a big question as that surely must be reconsidered. I say the self-respect of the Government of India is at stake; and why are you sitting there humiliated, and not able to answer us today here as to what you have done, and acknowledging that you are devoid of self-respect, and you hope, because of a word here and there in the despatch, which you are hugging, that the door is still open? Well, Sir, I say the Treasury Bench cannot deserve any other treatment except the treatment that they are getting from the Colonial Secretary because they are not a responsible government.

Pandit Hirday Nath Kunzru: Sir, before I say anything with reference to the reply given by my Honourable friend, Mr. Bajpai, I should like to dispose of my Honourable friend, Mr. Roy, in a few words.

Mr. K. O. Roy: I am very glad that the Honourable Member is going to say very few words about me.

Pandit Hirday Nath Kunzru: My Honourable friend, sitting, as he does, on those Benches, I have no doubt, often finds himself in a difficult position. He has perhaps not infrequently to keep thoughts and feelings to himself, and it is not unnatural that those pent up thoughts and feelings should seek an outlet on an occasion like this. I do not therefore grudge him the relief that he has sought and found at my expense this afternoon. My Honourable friend said, in the course of his speech, that he had given notice of a Resolution on this subject twice before. I was therefore very curious to find out what his Resolution was.

I thought it must have been something which would have been strong meat for the Government, but his Resolution ran as follows:

"This Assembly recommends to the Governor General in Council to make an immediate representation to His Majesty's Government that Lord Passfield's tentative despatch on the Donoughmore Commission's Report relating to the rights and status of Indians in Ceylon is unacceptable to this House and to urge upon His Majesty's Government the revision of the decision with a view to enable Indians in Ceylon to enjoy fullest rights along with other subjects of His Majesty under any new constitution that may be inaugurated."

• Well, Sir, I do not find here even a drop of the strong wine of respectful protest. If my Resolution was milk and honey, I fear, Sir, this is milk and water. Perhaps, Sir, the fact that my Resolution was coming up put new energy into him and induced him to give notice of the amendment which he has moved. If that is so, I may well congratulate myself on that fact.

Coming, Sir, to the reply of my Honourable friend, Mr. Bajpai, I am glad to find that Government are prepared to accept my Resolution. That indeed is the least that they can do in view of their special responsibility for the protection of Indians overseas. But, Sir, there is one important fact to be borne in mind in this connection. Reference has been made to it already by my Honourable friends, Mr. Jinnah and Sir Purshotamdas Thakurdas, whether the Secretary of State for the Colonies has given his final decision or not, we have to remember that the Ceylon Government recently accepted the reforms scheme on the basis of the approval he has given to the proposals made by the Governor. This shows, Sir, that our position is a particularly difficult one at this juncture, and we shall need all the force at our disposal to make His Majesty's Government do justice to us in this connection. I do not know, Sir, how so important a despatch was allowed to go out by the India Office without giving any opportunity to the Government of India to express their views on the matter. Knowing as I do the solicitude of Mr. Wedgwood Benn for the rights of Indians overseas, it is difficult for me to believe that he could have been a party to this decision, had he known its full implications. It seems to me, Sir, that the department that deals with emigration at the India Office ought to be better organised and ought to be more alert. In a vital matter of this kind the Secretary of State for India ought to have been informed of the important bearing of the decision of the Colonial Office on Indian rights throughout the Empire.

We still hope, Sir, since my Honourable friend opposite thinks the door of negotiation is open, that an honourable settlement might be found. But should the worst come to the worst, let us remember that we are not absolutely without resource. We have got the power to protect our rights and our dignity. We have used those powers in the past. The history of South Africa, of British Guiana, of Fiji affords more than one instance of our power to protect the self-respect and honour of our countrymen abroad. Should it be necessary to use that power in this connection also, I trust that the Government of India will not hesitate to do so. My Honourable friend, Mr. Arthur Moore, said that as Indians went to Ceylon to improve their economic opportunities, it would be hard on them to prevent them from going out to that country. Sir, even my Honourable friend, Mr. Arthur Moore, will admit that the balance of advantage lies on the side of Ceylon, and if that Colony is so ungrateful as not to recognise its obligations to those people who have made that Colony flourishing, we

[Pandit Hirday Nath Kunzru.]

should at any rate know what to do—we shall place honour before pecuniary advantage. I trust, Sir, that when my Honourable friend, Mr. Bajpai, deals again with this subject, he will impress this aspect of it prominently on the mind of His Majesty's Government and inform them that, neither in this House nor outside it, is there the least divergence of opinion in this country on the issue of the status of Indians abroad.

(Mr. G. S. Bajpai rose in his place.)

Mr. President: Is there anything which the Honourable Member wants to say?

Mr. G. S. Bajpai: I wish to say a few words. Sir, in answer to my Honourable friend, Mr. Jinnah.

Mr. President: If there is anything which the Honourable Member wishes to say, anything of substance, I will allow him to speak; I hope he knows that he has no right of reply.

Mr. G. S. Bajpai: I was not aware, Sir, that I had no right of reply because I have spoken only once; but if you will give me permission, Sir, I should like to say a few words.

Mr. President: I am perfectly willing to give permission if there is anything of substance which the Honourable Member wishes to say.

Mr. G. S. Bajpai: My Honourable friend, Mr. Jinnah, has asked me certain questions on points of substance and I think it is only right that the House should have the answer to those questions.

Mr. M. A. Jinnah: I asked the questions when the Honourable Member was on his legs.

Mr. President: The Honourable Member was perfectly entitled to answer those questions when the Honourable Member put them.

Mr. G. S. Bajpai: If I may say so, I was under the impression that I would have an opportunity of answering them later on.

Mr. President: He should study his Standing Orders.

Mr. G. S. Bajpai: I shall apply myself to the Standing Orders hereafter, Sir.

Mr. President: Does the Honourable Member (Mr. K. C. Roy) wish to withdraw his amendment?

Mr. K. C. Roy: Yes, Sir, because we are very anxious to have a unanimous vote.

Mr. President: Does the House wish to hear Mr. Bajpai again? (Honourable Members: "Yes, yes.") Mr. Bajpai.

Mr. G. S. Bajpai: Sir, I shall not take more than five minutes, if as much as that. Mr. Jinnah asked when it was that the Government of India came into possession of the information regarding the proposals made by the Government of Ceylon and the reply of the Secretary of State for the Colonies. The Government of India came into possession of the facts when these despatches were published

Mr. M. A. Jinnah: When?

Mr. G. S. Bajpai: Early in November; and as soon as the Government of India came into possession of these facts, they made representations to His Majesty's Government. That answers the first question.

Mr. M. A. Jinnah: How did you come to know of the position?

Mr. G. S. Bajpai: By the fact of publication.

Mr. M. A. Jinnah: By the newspapers?

Mr. G. S. Bajpai: From the despatches.

Maulvi Muhammad Yakub: You were not officially consulted?

Mr. G. S. Bajpai: I have already said that we were not officially consulted.

Mr. B. Das: Did not the Secretary of State for India write to you?

Mr. President: Order, order.

Mr. G. S. Bajpai: The second point, Sir, which the Honourable the Leader of the Independent Party raised was why was it that we took it for granted that this question was an open question

Mr. M. A. Jinnah: I did not say that: I did not ask you why you took it for granted; I said you said that the question was an open one and your reason was that the correct interpretation of the despatch of the Colonial Secretary is this: I beg to differ from you, that is all.

Mr. G. S. Bajpai: Where there is a difference of opinion, it is not possible for any one individual to say that his opinion is better than that of another gentleman; but I would in all humility draw the attention of the Honourable Member to the language used by the Secretary of State for the Colonies. The language is, "I propose to adopt". He proposes to adopt

Mr. M. A. Jinnah: Kindly read the end of it.

Mr. G. S. Bajpai: It is his intention to adopt.

Mr. M. A. Jinnah: Read it to the House if you like.

Mr. G. S. Bajpai:

"I propose to adopt your suggestions under which, subject to special provisions being made for British subjects not domiciled in Ceylon being allowed to qualify for the franchise in accordance with the conditions of the present constitution, domicile should be the standard test for inclusion in the register."

Does the Honourable Member wish me to read any further?

Mr. M. A. Jinnah: Yes; go on further.

Mr. G. S. Bajpai:

"The definition of domicile involves legal questions of much difficulty and complexity and the qualification would hardly be suitable if it stood by itself. The difficulty would, however, be overcome by your proposal that the applicant, provided he can furnish satisfactory evidence of five years' residence, should be qualified for the vote on the production of a certificate of permanent settlement granted by some duly appointed officer. I propose that provision should be made for this qualification in the Order in Council."

[Mr. G. S. Bajpai.]

I do not think, Sir, that the whole passage which I have read out to the House at the request of my Honourable friend converts the word "propose" into the word "decide".

I will now refer for a brief moment to what my friend, Pandit Kunzru, had to say as regards the Government of India bringing the full implications of this controversy to the notice of His Majesty's Government. It is the intention of the Government of India to put His Majesty's Government in full possession of the views expressed by this House today. And not merely that; in consonance with the terms of the Resolution, it will be the duty of the Government of India to point out to His Majesty's Government, as they have already pointed out, that the proposals as they stand are not acceptable.

Mr. M. A. Jinnah: May I ask one question? Between November and today, have you had any indication, either from the Colonial Secretary or the Secretary of State for India, that the door is still open?

Mr. G. S. Bajpai: We have had no indication, Sir, either from the India Office or from the Secretary of State for the Colonies that the door is closed.

Mr. President: The question is that Mr. K. C. Roy be given permission to withdraw his amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President: The question is that the following Resolution be adopted!

"This Assembly recommends to the Governor General in Council that the proposals of the Government of Ceylon regarding franchise, which have been accepted by the Colonial Office, in so far as they make possession of a certificate of permanent settlement and renunciation of the protection of the Government of India by Indian emigrants a condition of eligibility to vote should not be put into effect and that immediate steps should be taken to secure the adoption of the original recommendations of the Donoughmore Commission making five years' residence the basis of the franchise."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday the 12th February, 1930.