

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 29th JANUARY, 1931

Vol. I—No. 12

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Thursday, 29th January, 1931.

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

QUESTIONS AND ANSWERS.

PAY AND CONDITIONS OF SERVICE OF EXTRA DEPARTMENTAL AGENTS OF THE POST OFFICE.

162. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state the number of E. D. As. employed in post offices?

(b) What is the scale of their pay?

(c) Is it a fact that E. D. As. before their appointment are required to give a declaration that they have got other sources of income?

(d) What is the average hours of duties of E. D. As.?

(e) Will Government be pleased to submit Duty Lists of the following E. D. Offices:

Munshirhat, Goalmari, Fakirtola Road, Fareshganj, Belonia, Amjadhat (Tipperah Division, Bengal)?

(f) Is it a fact that nothing is paid to the E. D. As. for contingency and for sweeping?

(g) Is it a fact that no chair is supplied to them?

(h) Is it a fact that the Superintendent of Post Offices, Tipperah Division, in his inspection report dated the 24th May, 1930, remarked that the E. D. As. should not ask for a chair and they are supposed to have their own chairs?

(i) Is it a fact that they do not get any leave like clerks, postmen, etc.? Are they required to make their own arrangements for the conduct of the Government work in case they want any leave?

(j) Are Government prepared to increase the pay of these men and make some arrangement to give them leave at least for a few days in a year?

Mr. H. A. Sams: (a) The number of Extra Departmental Postmasters employed in Post Offices is 16,446.

(b) As explained in the reply to part (a) to the Honourable Member's unstarred question No. 311 on the 7th March, 1928, Extra Departmental Postmasters do not receive regular pay but are given certain allowances which vary from Rs. 6 to Rs. 30.

(c) Yes. Persons having no independent means of subsistence are not employed as Extra Departmental Postmasters.

(d) The hours of duty vary according to local conditions and the classes of postal business done in an extra departmental office.

(e) The information is not readily available and Government do not consider that the expenditure of time and labour involved in obtaining it from the local officers could be justified by the public interests to be served.

(f) The Honourable Member's attention is invited to the reply to part (d) of his unstarred question No. 311 on the 7th March, 1928.

(g) A stool, not a chair, is ordinarily supplied to a Branch office whether departmental or extra-departmental.

(h) Government have no information nor do they propose to call for it in view of reply to (g) above.

(i) The answer to both parts of the question is in the affirmative. In this connection the Honourable Member's attention is invited to part (c) of the reply given to his unstarred question No. 311 on the 7th March, 1928, and also to part (b) of the reply given to his subsequent starred question No. 1065 on the 15th March, 1929.

(j) The Honourable Member's attention is invited to parts (c) and (i) of the reply given to his starred question No. 1006 on the 11th March, 1929. Government do not propose to alter the conditions of employment of Extra Departmental Postmasters.

Mr. S. C. Mitra: So far as clause (b) is concerned, will the Honourable Member please inform the House what is the principle on which he fixes the pay of individual agents as it varies from Rs. 6 to Rs. 30?

Mr. H. A. Sams: Sir, at present there is no definite principle. The pay in each case is fixed on the recommendation of the Head of the Circle having regard to the work done by the Extra Departmental Agents. I may however add that we are trying to devise a principle on a point system giving points for certain classes of work.

CIVIL DEPARTMENTS' SHARE OF SALE OF UNIFIED POSTAGE STAMPS.

163. ***Mr. S. C. Mitra:** (a) Will Government be pleased to intimate on what basis the Civil Departments' share of the sale of unified postage stamps is calculated?

(b) Is it a fact that Rs. 19 lakhs was paid in the year 1920?

(c) Is it a fact that the Accountant-General, Posts and Telegraphs, in his report on the Appropriation Accounts made strong comments over this matter?

(d) Will Government be pleased to state what action has since been taken on that comment of the Accountant-General?

The Honourable Sir George Schuster: (a) The Civil Departments' share of the sale proceeds of unified stamps is calculated with reference to—

(1) the growth in stamp revenue since 1906, when postage stamps were first inscribed for revenue purposes, and

(2) the increases subsequently made in the rates of duty on certain documents on which unified stamps should be used.

(b) Yes.

(c) The Accountant General, Posts and Telegraphs, called attention to the difference made by the abolition of the stamp duty on cheques and bills payable on demand, and suggested that some revision of the share of revenue paid to the Provincial Governments might be justifiable.

(d) The question formed the subject of correspondence with Local Governments and their replies are under consideration. It is expected that the Committee which is shortly to undertake the examination of Postal Accounts will deal with this matter.

PROSECUTION OF BABU BROJO K. SHAW, A POSTAL CLERK.

164. ***Mr. S. C. Mitra:** (a) Has the attention of the Government been drawn to the article published in the December, 1930, issue of *Labour* under the caption "Harassing prosecution and trial"?

(b) Is it a fact that Babu Brojo K. Shaw was arrested by the police on a charge of breach of trust and misappropriation of an insured letter?

(c) Is it a fact that the clerk was honourably acquitted by the High Court?

(d) Is it a fact that the matter was not investigated either by the Presidency Postmaster or, the Superintendent before the fact was reported to the police?

(e) Have Government considered the question of instituting an inquiry as to why the official was put to so much trouble and without sufficient investigation?

(f) Will Government be pleased to state what amount, if any, they intend to pay to Babu Brojo Kishore Shaw to compensate him for the expenses which were incurred by him to defend him in the trial?

Mr. J. A. Shillidy: (a) Government have seen the article in question.

(b) Yes.

(c), (d), (e) and (f). I see from a copy of *Labour* of December, 1930, that the Chief Presidency Magistrate committed the accused to the Court of Sessions, which would seem to show that in his opinion there was at least a *prima facie* case for the prosecution.

SUBSIDY PAID TO IMPERIAL AIRWAYS FOR CARRYING MAILS BETWEEN INDIA AND ENGLAND.

165. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state what subsidy is paid annually to the Imperial Airways Company for carrying Post Office mails between India and England and for State air mail?

(b) Will Government be pleased to lay on the table a statement showing the actual income for air mails for the period?

Mr. J. A. Shillidy: (a) The attention of the Honourable Member is invited to the reply given to the starred question of Mr. Gaya Prasad Singh on the 4th September, 1929, from which it will appear that the Government of India have no concern with the subsidy payable to the Indian Airways Limited, for working the India-England Air Mail Service. The Indian Posts and Telegraphs Department, like other postal administrations, pays the British Post Office for the use of the service. The general principles on which these charges are payable are laid down in the

International Regulations of the Universal Postal Union, to which this country has subscribed. The air conveyance charges are the same for all administrations and vary with the distance over which correspondence is carried by air, and each administration is responsible for the charges on mails despatched by it.

The Indian State Air Service between Karachi and Delhi is operated with aircraft chartered from Imperial Airways, Limited, at an annual cost of approximately Rs. 4½ lakhs. No subsidy is paid.

(b) A statement showing the estimated receipts and expenditure for the two air services is placed on the table of the House.

Statement referred to in part (b) of Mr. J. A. Shillidy's reply to starred question No. 165.

	1930-31.
	Rs.
Receipts—	
Air Mail fees from Karachi-Croydon air mail service (external air mail service)	5,60,000
Air Mail fees from Karachi-Delhi air mail service (internal air mail service)	9,000
Conveyance charges recovered from foreign administrations in respect of letters, etc., from abroad conveyed by the internal air service at Rs. 4-4-0 per lb.	15,000
	<u>5,84,000</u>
Fees from passengers and freight (*April to October 1930, Rs. 8,600)	15,000*
Total	<u>5,99,000</u>
Expenditure—	
Conveyance charges paid to the British Post Office in respect of air mail letters conveyed from Karachi by the Croydon-Karachi air mail service at Rs. 9-6-4 per lb.	3,48,000
Incidental expenses incurred by the P. and T. Department in respect of the external air mail service	65,000
Incidental expenses incurred by the P. and T. Department in respect of the internal air mail service	10,000
Cost of charter of Imperial Airways	4,66,000
Refund of customs duties to be paid by the Imperial Airways Limited on aeroplanes and spares	5,000
Commercial management of the Karachi-Delhi air service	17,000
Landing and housing charges in connection with the use of Jodhpur landing grounds	1,600
Total	<u>9,12,600</u>

Mr. Gaya Prasad Singh: May I know if there is any proposal to give the Imperial Airways Company the contract to carry air mails on the mainland of India?

Mr. J. A. Shillidy: Not that I am aware of.

TRANSFERS IN THE POSTAL DEPARTMENT.

166. ***Mr. S. C. Mitra:** (a) Is it a fact that the Assistant Postmasters General, Superintendents of Post Offices, R. M. S. Inspectors of Post Offices are transferred from one place to another at the interval of three years and Head Clerks, Managers, Stock Depot of Circle Offices are transferred from one section to another at an interval of three years?

(b) If the reply of (a) be in the affirmative, will Government be pleased to state as to why on the same analogy Office Superintendents of Postmasters-General's offices and Managers of Dead Letter Offices are not transferred in the same way?

Mr. J. A. Shillidy: (a) Yes, except in the case of the Assistant Postmasters-General whose tenure of charge is ordinarily five years at a stretch.

(b) No analogy exists between the posts mentioned in (a) and those mentioned in (b) and Government do not consider there is any reason for the introduction of such a rule.

RETRENCHMENT IN THE OFFICE OF THE POSTMASTER GENERAL, BENGAL AND ASSAM CIRCLE.

167. ***Mr. S. C. Mitra:** (a) Is it a fact that about 20 clerks of the office of the Postmaster General, Bengal and Assam Circle, have been transferred to the Calcutta General Post Office and other Post Offices as a result of retrenchment in that office?

(b) Will Government please state whether retrenchment has also been made to other circle offices also?

(c) If the reply to (a) be in the affirmative, will Government please state why the senior officials have been transferred in this way and juniors have been retained?

Mr. H. A. Sams: (a) Yes.

(b) Yes.

(c) No question of seniority is involved. Those least qualified to work in the Circle office have been transferred.

RENT OF POST OFFICE BUILDINGS IN CALCUTTA.

168. ***Mr. S. C. Mitra:** (a) Are Government aware that the rent of big houses in Calcutta has been reduced by 25 per cent.?

(b) Is it a fact that the rent of the Dharamtala post office building is going to be increased?

(c) If so, will Government please state to what extent is the rent going to be increased, especially at a time when the rent of big houses in Calcutta is on the decline?

(d) What accommodation is required for the Dharamtala post office (Calcutta) according to the standard fixed by the Department? What is the measurement of the present post office?

(e) Is it a fact that the rents of the Sealdah and Simla post offices (Calcutta) are Rs. 200 and Rs. 140 respectively?

(f) What was the rent previously paid for the Sealdah post office before shifting to the present building?

(g) What was the rent of the old Simla post office before its amalgamation with the Beadon Street T. S. O. and when it was a delivery office?

(h) How many clerks (including Sub-Postmaster) are there in the Simla post office?

(i) Is it a fact that the Audit office raised objection to payment of such heavy rent for the Simla post office?

(j) Will Government be pleased to state the cause of increase in rent of these post office buildings?

(k) Is it a fact that the Ahiritola post office (Calcutta) has been shifted to another building which is very near to the Beadon Street post office?

(l) What was the rent which used to be paid for the old post office building and what is the rent of the present building?

(m) Is it a fact that business men of the locality raised an objection to the shifting of the post office to its present location as it is at a distant place from the centre of the business quarter?

(n) Will Government be pleased to ascertain from the Corporation of Calcutta the rate of rent prevailing in the localities where the Dharamtala, Sealdah, Simla and Ahiritola post offices have been located, and place the report before us for the information of the Assembly?

(o) Will Government please further state whether the Department has entered into an agreement with the landlords of all these post office buildings or are there some with whom agreement has not been made?

Mr. H. A. Sams: (a), (h), (i), (k), (l), (m) and (o). Government have no information.

(b) Yes.

(c) From Rs. 364 to Rs. 500 a month.

(d) 3525 sq. ft. and 2367 sq. ft.

(e) The rent of the Sealdah Town sub-office is Rs. 200 and of the Simla Town sub-office Rs. 130 per mensem.

(f) Rs. 65 per mensem.

(g) Rs. 150 per-mensem.

(j) In the case of the Dharamtala post office, as the accommodation was inadequate for the staff employed, more rent had to be paid for increased accommodation. In the case of the Sealdah office, the original building was in a dangerous condition and the office had to be removed at short notice. The rent charged for the only suitable building available was substantially in excess of the rent paid for the old building. As regards the Simla town sub-office, the present rent is less than formerly as explained in my answer at (e) and (g) above.

(n) Government do not consider that such an enquiry would yield any useful results, as the rent of postal buildings cannot be decided by any general rates, but only as the result of negotiations with individual landlords.

RECRUITMENT TO THE POSTAL DEPARTMENT.

169. ***Mr. S. C. Mitra:** (a) Is it a fact that it has been ordered by the Director General of Posts and Telegraphs that recruitment in the Postal Department will be made according to the Revenue Division? -

(b) If so, will Government please state why the postmen of Calcutta are not recruited according to these rules?

Mr. J. A. Shillidy: (a) Yes.

(b) Government have no information, but enquiries are being made.

RETRENCHMENT OF HIGH OFFICIALS IN THE POSTAL DEPARTMENT.

170. ***Mr. S. C. Mitra:** (a) Has the attention of the Government been drawn to an article published in the October, 1930, issue of *Labour* under the caption "Retrenchment—How and where"?

(b) Will Government please state how many (i), Deputy Postmasters General of Post Offices (ii) Assistant Postmasters General of Post Offices, (iii) Assistant Directors General of Post Offices, (iv) Deputy Directors General of Post Offices and (v) Superintendents of Post Offices there are at present and how many there were in the year 1919-20?

(c) Will Government be pleased to state the reason of increase in the number of officers?

(d) Will Government place a statement on the table showing the expenditure incurred to maintain these officers now and what was the actual expenditure in the year 1919-20?

(e) Do Government contemplate to reduce the number of officers in the Postal Department?

Mr. J. A. Shillidy: (a) Government have seen the article in question.

(b) The information is as follows:

	At present.	In 1919-20.
Deputy Postmasters-General	14	10
Assistant Postmasters-General	30 (including one Assistant Director of Post and Telegraphs, Sind and Baluchistan.)	24
Assistant Directors-General	6	5
Deputy Directors-General	3	2
Superintendents of Post Offices	132 (including 7 reserve Superintendents of post offices and 8 City Superintendents of Post Offices.)	139 (including 2 personal Assistants to the Director-General.)

(c) The increase was chiefly due to the reorganisation of the administrative offices of the Posts and Telegraphs Department, which took into account the large increase in work.

(d) Government do not possess the information, nor do they propose to call for it, as its collection would involve an expenditure of time and labour which would serve no purpose.

(e) No such proposals are at present under the consideration of Government.

STAFF AND INCOME OF CERTAIN TELEGRAPH OFFICES.

171. ***Mr. S. C. Mitra:** (a) Will Government please state how many signallers and Telegraph Masters are there in (i) Trichinopoly, (ii) Madura, (iii) Cocanada, (iv) Vizagapatam departmental telegraph offices?

(b) What is the average income of these telegraph offices?

Mr. H. A. Sams: (a) In departmental telegraph offices signallers are designated telegraphists. The number of Telegraph Masters and telegraphists employed in the offices referred to is—

	Telegraph masters.	Telegra- phists.
Trichinopoly .	2	16
Madura	2	31
Cocanada	1	7
Vizagapatam	1	23

(b) Average figures are not available. The estimated income for 1929-30 is:

	Rs.
Trichinopoly	17,629
Madura	12,516
Cocanada	51,229
Vizagapatam	23,963

CARRIAGE OF MAILS BETWEEN BOMBAY AND CALCUTTA.

172. ***Mr. S. C. Mitra:** (a) Will Government please state what amount is paid annually to the East Indian Railway for running the Imperial Indian Mail carrying outward and inward foreign mails between Bombay and Calcutta?

(b) Is it a fact that some years before two other special trains used to run between Bombay and Madras, and Bombay and Lahore, but that they have been discontinued?

(c) If so, why is this train still running between Bombay and Calcutta?

(d) Are Government prepared to discontinue this train and arrange to convey mails by Bombay Mails, which run between Calcutta and Bombay?

Mr. H. A. Sams: (a) The amount paid annually both to the East Indian and the Great Indian Peninsula Railways for running the Imperial Indian Mail carrying outward and inward foreign mails between Bombay and Calcutta is Rs. 2,14,344.

(b) The special trains between Bombay and Lahore and from Madras to Bombay have been discontinued, but a special train from Bombay to Madras is still running fortnightly in connection with the Straits Mails for which the territorial charges are recovered by the Indian Postal administration.

(c) and (d). The Imperial Indian Mail from Bombay to Howrah cannot be abolished as the load of additional bogie vans required for the conveyance of the inward foreign mail is too heavy for the ordinary mail trains to carry.

Moreover the conveyance of inward foreign mails by special train is necessary in order to expedite delivery of mails at Calcutta and to ensure connection with the steamer leaving for Burma at 8 hours.

As regards Calcutta—Bombay, the Bombay mail train leaves Howrah at 19-51 hours, while the Imperial Indian Mail leaves at 21-36 hours, thereby giving the members of the public a later hour of posting for outward foreign mails and ensuring connection of the Burma mail in case of arrival of the steamer late in the afternoon. It would not be possible to accelerate the Bombay mail train.

PUBLIC HOLIDAYS IN INDIA.

173. ***Mr. Muhammad Anwar-ul-Azim:** With reference to the *Calcutta Gazette* notification of November 6, 1930, will Government please state how the holidays therein have been calculated? On what basis the public holidays in India are distributed?

The Honourable Sir James Crerar: As stated in my reply to a similar question put by the Honourable Member on the 13th September, 1928, public holidays are declared by Local Governments under section 25 of the Negotiable Instruments Act, 1881, and are fixed at their discretion to suit the requirements of the province from all points of view.

UNSUITABILITY OF GOALANDOO GHAT FOR A RAILWAY AND STEAMER STATION.

174. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how much does it cost the Eastern Bengal Railway to adjust the Railway Station at Goalandoo Ghat every year? Have they considered the feasibility of making Faridpur a permanent railway and steamer station, on the river Padmna, instead of Goalandoo (Eastern Bengal Railway)? How much did the Eastern Bengal Railway spend during the last five years on account of the annual shifting of the Goalandoo Railway Station?

Mr. A. A. L. Parsons: I am making enquiries and a reply will be sent to the Honourable Member as soon as the requisite information has been collected.

Mr. S. C. Mitra: Will the Honourable Member place the information on the table of the House so that other Members may see it?

Mr. A. A. L. Parsons: I will certainly consider that.

Mr. S. C. Mitra: There are two months left and there is no hurry. It can certainly be placed on the table of the House.

Mr. A. A. L. Parsons: I have no objection to laying the information on the table of the House. But the question really asks us to consider alterations in the arrangements at these places, Goalandoo and so on. That of course may require rather careful consideration, and I can give no undertaking as to the exact date on which the information can be laid.

CLASSIFICATION OF MOSLEMS FOR THE CENSUS.

175. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how many representations they have received for not classifying the Moslems into various castes in the next census? What do they propose to do with them now?

The Honourable Sir James Grear: Two, and one representation in the opposite sense. The census is a record of facts and the caste of any Muslim who gives it will be duly recorded.

LEASE OF LAND BY THE PORT COMMISSIONERS OF CHITTAGONG.

176. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state what control they exercise over the Port Trusts in India? Will the Honourable Member in charge of the Port Trusts kindly inform the House, whether he received any representation against a certain action of the Port Commissioners of Chittagong, regarding their leasing out a very valuable Port land to private individuals for only rupees nine hundred? Will Government ascertain through the Commissioner, Chittagong Division, whether that piece of land is not worth about a lac of rupees?

The Honourable Sir George Rainy: I would refer the Honourable Member to the Acts relating to the various Port Trusts in India which define the statutory powers of Government over the Port Trusts.

In December last, I received a telegram from the Honourable Member regarding the lease of certain land by the Port Commissioner, Chittagong. Although the telegram did not indicate the situation of the land, I presume the Honourable Member is referring to a plot of land adjoining the Port Commissioners' Office. I understand that the question of the lease of this land was referred to a special Committee and that the Port Commissioners, in accordance with the recommendations of that Committee, have let out the land in plots on leases for nine years at a rental of Rs. 965 per acre. In the circumstances, the Government of India do not propose to make the enquiry suggested by the Honourable Member. I may mention for the information of the Honourable Member that, under section 69 of the Chittagong Port Act, 1914, the Port Commissioners are empowered to lease immovable property for a term not exceeding 10 years without the previous sanction of the Governor General in Council.

ESTIMATED COST OF THE PROJECTED AERODROME AT CHITTAGONG.

177. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how much it will cost them to make the aerodrome at Chittagong? Will that be connected with Chittagong by any road? If so, who will bear its costs?

Mr. J. A. Shillidy: The estimated cost of the acquisition of land and the preparation of the aerodrome at Chittagong is Rs. 2,86,070.

The aerodrome will not be connected by any road with Chittagong and the question of cost does not, therefore, arise.

Stores are taken to the aerodrome by means of the railway along the river bund.

Personnel travel by launch or sampan.

ROAD CONSTRUCTION IN BENGAL.

178. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state how long it will take for the Bengal Government to finish their activities in connection with their road construction? Has any work been undertaken anywhere up to now? When was the money sanctioned by the Road Finance Committee of the Government of India?

Mr. J. A. Shillidy: Presumably the Honourable Member refers to road construction from the road development account. Bengal has a five-year programme but certain items therein will not be completed in that time. The Government of India are not aware whether any work has been undertaken, but presume such to be the case, as estimates amounting to approximately Rs. 18 lakhs have been sanctioned by the Local Government. Arrangements have been made for quarterly reports of expenditure. In the last part of the question the Honourable Member presumably refers to the advisory Finance sub-committee of the advisory Standing Committee for Roads of the Central Legislature. This sub-committee advised on certain items of the Bengal programme in April last. The first distribution of funds was made by the Government of India in July and the second in December last.

LOADING AND UNLOADING AT THE CHITTAGONG JETTIES.

179. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state who does the loading and unloading business at the Chittagong Jetties? How much annually does the Assam Bengal Railway pay to the coolie contractor for their "handling" works therein? Will the Member in charge of Railways kindly ascertain whether that cannot be worked more economically and bring a saving to the said Railway?

The Honourable Sir George Rainy: I am asking the Agent of the Assam Bengal Railway to supply the information for which the Honourable Member asks, and to look into the question whether any more economical arrangement is feasible.

RECRUITMENT OF CLERKS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

180. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state; (i) How many vacancies have occurred amongst the ranks of the clerks in the Bengal and Assam Postal Circle from 1st January, 1930, to 31st December, 1930, and how they have been filled up; and (ii) How many have gone to the minorities and depressed classes? Will Government kindly inform the House if the heads of Departments, *viz.*, the Deputy Postmasters-General, Superintendents of Post Offices and First Class Postmasters, kept the Government orders in view at the time of making and filling those appointments?

(b) Will Government please state whether it is a fact that the Director General, Posts and Telegraphs, found during his last tour in the Bengal and Assam Circle that Government orders were not followed properly by the heads of Departments in making and filling the said appointments, mentioned in part (a)?

Mr. J. A. Shillidy: (a) The information asked for by the Honourable Member is being collected and will be furnished to him in due course.

(b) I am informed by the Director-General that during his last tour in the Bengal and Assam Circle he found that careful attention was being paid to the orders of Government in regard to recruitment.

AUTHORITIES RESPONSIBLE FOR APPOINTMENT OF CLERKS AND PROBATIONERS IN A POSTAL CIRCLE.

181. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state who are the authorities primarily responsible for the appointments of clerks and probationers in a Postal Circle?

Mr. H. A. Sams: Superintendents of Post Offices and First Class Postmasters are responsible for the appointment of clerks. There is no special category of probationers.

COMMUNITIES REPRESENTED AMONG POSTMASTERS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

182. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly inform the House, how many Assistant, Deputy and Second Class Postmasters there are in the Bengal and Assam Circle, and how many of them belong to the majority community, the Depressed classes, the Sikhs, the Parsis, the Jains, the Buddhists, the Khasias, the Mughls and the Hindus?

Mr. J. A. Shillidy: A statement showing the distribution of the officers mentioned according to communities is placed on the table.

	Total.	Muslims.	Depressed class.	Sikhs.	Parsis.	Jains.	Buddhists.	Khasias.	Mughls.	Hindus.
Assistant Postmasters	8	...					...	...	...	8
Deputy Postmasters	24 (Includes one Anglo-Indian).	1	2	...				...	...	30
Second class Postmasters.	31 (Includes one vacant post).	2					...	...		28

1. RECRUITMENT OF STAFF ON RAILWAYS.

183. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state whether they have any effective say on the administration of State and Company-managed railways? Do the railway systems in India follow any method in the matters of recruitments of their staff, both superior and clerical?

Mr. A. A. L. Parsons: The reply to both enquiries made by the Honourable Member is in the affirmative.

RECRUITMENT OF MINORITY COMMUNITIES ON THE EASTERN BENGAL RAILWAY.

184. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state how many clerks there are in the office of the Agent, Deputy Agent, Traffic Manager, Deputy Traffic Manager, Chief Engineer, and the District Engineer, Eastern Bengal Railway, and how many of them were Moslems on 1st January, 1930 and on 31st December, 1930?

(b) Were the orders of Government in the matters of recruitments in these Railways communicated to them; if so, when and to what effect?

(c) Do these Railways also consider the question of "Majority" and "Minority" communities at the time of making recruitments?

Mr. A. A. L. Parsons: (a) Government regret they are not prepared to supplement with figures for individual offices the information in regard to communal representation in railway services, given in the Annual Administration Report on Indian Railways.

(b) Yes. The instructions to State Railway Administrations in regard to the policy of the Government in the recruitment of subordinate railway establishments are contained in Railway Board's letter No. 2395-E., dated the 23rd May, 1929, a copy of which is in the Library.

(c) Yes.

DIVISION INTO "MAJORITY" AND "MINORITY" COMMUNITIES.

185. ***Mr. Muhammad Anwar-ul-Azim:** With reference to the previous question, will Government kindly state when was this decision first introduced, i.e., the division into a "Majority" and "Minority" communities?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the statement of the policy of Government made by the late Honourable Sir Alexander Muddiman in the other House on 2nd March, 1925.

REPRESENTATION OF MAJORITY AND MINORITY COMMUNITIES IN CERTAIN PROVINCES.

186. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government kindly state who are the majority and minority communities in Baluchistan, North-West Frontier Province, Punjab and Bengal? Have they given effect to their declared policy of "not allowing the minority communities to preponderate" in these provinces in services under the control of the Central Government? If not, why not?

(b) Will Government please state who are the majority community in Burma? Which class of people preponderate in the services in Burma under the control of the Central Government? If the Burmans do not preponderate, what is the reason therefor?

The Honourable Sir James Crerar: (a) As the Honourable Member is no doubt aware, Muslims constitute the majority of the population in the four provinces mentioned. The declared policy of the Government of India is to prevent the undue preponderance of any one class or community in the services under its control. Chief Commissioners and Heads of Central Departments are aware of this policy, and I have no reason to doubt that they are giving effect to it as far as possible.

(b) This state of things is chiefly a legacy of the past, when there was a paucity of qualified Burman candidates, and I hope that it will be remedied as more qualified Burmans become available.

NON-TRANSFER OF THE DEPUTY POSTMASTER GENERAL, DACCA, AND RECRUITMENT OF MOSLEMS IN CHITTAGONG.

187. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government kindly state how long the Deputy Postmaster-General in a Circle is retained, specially in his own home Circle? How long the Dy. Postmaster-General at Dacca has been there?

(b) What has been the result of Government investigation with regard to the abolition of that office?

(c) Will the Member in charge of Industries and Labour kindly state whether the Buddhists in Chittagong District belong to the majority or minority communities? To what class the Moslems in Chittagong Division belong in the matter of recruitment to services, which are under the control of the Central Government?

***Mr. J. A. Shihidy:** (a) No period is fixed for the retention of a Deputy Postmaster-General in a Circle. The present Deputy Postmaster-General of the Dacca Range has been there since the 9th April, 1926.

(b) It has been decided that the Range office at Dacca should continue for the present.

(c) The Census Report for 1921 shows that Buddhists form a minority of the population in Chittagong District. For the purpose referred to by the Honourable Member, Moslems, whether of Chittagong or elsewhere, are treated as a minority community.

CATEGORIES, TRAINING AND EQUIPMENT OF TROOPS IN INDIA.

188. ***Mr. S. C. Mitra:** Will Government please state:

(a) Whether for any purpose whatever the Regular British and Indian forces of the Army in India are divided into three categories of troops, viz., (1) the Covering Force; (2) the Field Army; and (3) the Internal Security Troops?

(b) If so,—

(i) is the training, equipment, internal organization and the numerical strength of units of various arms earmarked as Internal Security Troops in any way different from the training, equipment and internal organization and the numerical strength of the units of corresponding arms allotted to the Field Army?

(ii) is the strategic distribution, war organization and the mobilization arrangements of Internal Security Troops the same or based on the same principles as those for the Field Army; and

(iii) in the event of general mobilization, do the units belonging to Internal Security Troops, for the time being, complete their war establishments and constitute war formations at the same time and in the same manner as the units allotted to the Field Army?

Mr. G. M. Young: (a) Yes; the division of the Army into these three categories exists on paper, as a war measure. The allocation of individual units to them depends upon where each unit happens to be stationed at the time of mobilization.

(b) (i), (ii) and (iii). The training, equipment, internal organisation and numerical strength of all units of the regular Army is uniform in peace time. On mobilization, the distribution, organization and other arrangements of units vary according to the role that each unit has to play. Units that become Internal Security units on mobilization do not constitute war formations.

STRENGTH OF INTERNAL SECURITY TROOPS.

189. ***Mr. S. C. Mitra:** (1) Will Government give the exact strength of the fighting troops of each arm set apart at the present moment as Internal Security Troops?

(2) Will Government state:

(a) Whether it is a fact that the Internal Security Troops are intended as a reserve for the Field Army; and

(b) if so, what are the reasons:

(i) for maintaining so large a reserve, and

(ii) for not organizing and constituting the Field Army on a more adequate scale?

Mr. G. M. Young: (1) The present arrangements contemplate the allocation of the following units to Internal Security duties on general mobilization.

British Cavalry—one regiment.

Indian Cavalry—nine regiments (2 squadrons each).

British Infantry—twenty-eight battalions.

Indian Infantry—twenty-seven battalions.

Armoured Car Companies—five.

(2) (a). Internal Security units are available for interchange, if necessary, with units returning from the Field Army for rest. They do not, however, form a regular reserve, and would not normally be drawn upon in war otherwise than in the manner I have stated.

(b) Does not arise.

Mr. B. Das: May I inquire if in the scheme which the Government of India submitted to the British Government before the Skeen Committee came into existence, there was a recommendation that the Internal Security Army should be quite different from the British Army?

Mr. G. M. Young: I am afraid I shall have to ask for notice of that question.

Mr. B. Das: Does not the Honourable Member remember what was the view of the Government of India that was submitted to the India Office before the Skeen Committee came into existence?

Mr. G. M. Young: Yes, Sir, I remember a good deal about it; but still I should like to have notice of a question to be answered in this House.

Mr. B. Das: May I know whether it was not the view of the Government of India that the Internal Security Army should be different from the British Army?

BASIS OF CONSTITUTION OF THE FIELD ARMY.

190. ***Mr. S. C. Mitra:** (a) Will Government state whether it is a fact that the Field Army is at present constituted on the basis that it represents the maximum number of troops and formations which can be sent out of India as an expeditionary force without endangering the internal and external security of India?

(b) If not, will Government state:

(i) whether the strength of the troops comprising the war formations bears a low proportion to the total strength of the Army in India; and if so, why; and

(ii) whether the whole of the Army in India is not uniformly organized for purposes of war, and if not, why not?

Mr. G. M. Young: (a) The Field Army is not in any sense an expeditionary force, but does represent the maximum force available in India, as a field army, for the defence of the frontier.

(b) Does not arise.

EQUIPMENT OF INTERNAL SECURITY TROOPS.

191. ***Mr. S. C. Mitra:** Will Government state:

(a) whether it is a fact that artillery, including medium and heavy artillery, forms part of the Internal Security Troops in provinces outside the North-West Frontier Province and Baluchistan; and

(b) if so,—

(i) how many units of each class of artillery are allotted to these troops; and

(ii) what are the tactical situations envisaged by the military advisers of the Government which may necessitate the employment of these arms in these provinces?

Mr. G. M. Young: (a) and (b) (i). With the exception of one mountain battery in Burma, no batteries of artillery of any kind form part of Internal Security formations. Small detachments, as in the case of other arms, are left at their stations when the Field Army is mobilized, and are classed among Internal Security troops: but these do not include heavy or medium artillery.

(b) (ii). None, so far as I am aware.

TROOPS USED FOR SUPPRESSION OF CIVIL DISORDERS.

192. ***Mr. S. C. Mitra:** Will Government state:

- (a) on how many occasions troops were called out in compliance with requests of civil authorities for military aid in the nine Governors' Provinces during the year 1930;
- (b) what was the strength of troops sent out on each occasion; and
- (c) on how many occasions did they actually take part in the suppression of disorders and on how many occasions they only stood by?

Mr. G. M. Young: (a) 27.

(b) and (c). I am afraid that I cannot furnish the figures for occasions on which the troops were called out, but merely stood by. Troops took part in the suppression of disorders on six occasions only. I lay on the table a statement showing details of the troops employed on these occasions.

Details of six occasions on which Troops were used in aid of Civil Power in 1930.

1. Chittagong . . . 19th April, 1930 and subsequent days—
100 East Frontier Rifles (Military Police).
100 Surma Valley Light Horse.
 2. Sholapur . . . 8th May, 1930 to 21st September, 1930—
1 Company Indian Infantry.
1 Battalion British Infantry.
 3. Almora . . . 27/28th May, 1930—
1 Platoon Indian Infantry.
 4. Rangoon . . . 27th May, 1930 to 8th June, 1930—
2 Companies British Infantry.
100 (Auxiliary Force, India).
 5. Sukkur . . . 7th August, 1930 to 18th August, 1930—
One Company British Infantry.
One Company Indian Infantry.
 6. Tharawaddy . . . 26th December, 1930 to 12th January, 1931—
3/20th Burma Rifles.
1 Company, 2/15th Punjabis.
1 Company, The Buffs.
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TROOPS AVAILABLE FOR AIDING THE CIVIL AUTHORITIES.

193. ***Mr. S. C. Mitra:** With reference to paragraph 393 of the Regulations for the Army in India, will Government please state:

- (a) whether any troops are temporarily or permanently earmarked for the specific purpose of complying with possible requirements for military aid by the civil authorities;

- (b) if so, what is the strength of each arm of the fighting troops normally allotted to this duty; and
- (c) how, and by whom are the requirements of a given year or a given situation estimated?

Mr. G. M. Young: (a) None, Sir; as all troops are available for this purpose.

(b) and (c). Do not arise.

RESPONSIBILITIES OF CIVIL AND MILITARY AUTHORITIES FOR THE MAINTENANCE OF LAW AND ORDER.

194. ***Mr. S. C. Mitra:** Will Government please state.

- (a) whether the military commander of any area or station in India has any responsibilities with regard to the maintenance of law and order within that area or station except when the area or the station in question is under martial law or except when the military commander is requested by the civil authorities to come to their aid; and
- (b) if so, what is the nature of these responsibilities and what is the distribution of the responsibilities between the civil and military authorities?

Mr. G. M. Young: (a) None, Sir.

(b) Does not arise.

DUTIES AND RESPONSIBILITIES OF MILITARY OFFICERS IN RESPECT OF INTERNAL SECURITY.

195. ***Mr. S. C. Mitra:** (a) Will Government please state what is the nature of the duties in respect of internal security assigned to each of the following:

- (i) the Military Operations Directorate of the General Staff Branch at the A. H. Q.;
- (ii) the General Officers Commanding-in-Chief the Commands, and the General Officers Commanding the Districts in India;
- (iii) Brigade, Brigade Area and Station Commanders?

(b) Are Government aware that no responsibilities in respect of internal security are assigned to the Imperial General Staff, the General Officers Commanding-in-Chief the Commands, General Officers Commanding Divisions, and Brigade and Area Commanders in the United Kingdom?

(c) Will they state the reasons for which these additional and special responsibilities are assigned to the military advisers of the Government and the Military Commanders in India?

Mr. G. M. Young: (a) and (b). The duties assigned in ordinary times to all the authorities mentioned, whether in India or the United Kingdom, in respect of Internal Security, or aid to the civil power, are purely advisory. These authorities have no other powers or responsibilities unless and until the situation has passed beyond civilian control, and has been handed over to them.

(c) Does not arise.

APPOINTMENT OF INDIAN CHEMISTS TO POISON GAS AND ANTI-GAS APPLIANCE FACTORIES IN RAWALPINDI.

196. ***Mr. S. C. Mitra:** Will Government please state:

(a) whether it is a fact that research in chemical warfare and manufacture of poison gas and anti-gas appliances are being carried on at the Assembly Factory, Rawalpindi, or in some other factory known as the Filter Factory, Rawalpindi or the Chemical Research Department, Rawalpindi; and

(b) if so, are Government prepared to appoint qualified Indian Chemists in these factories?

Mr. G. M. Young: (a) No manufacture of gas, or research in connexion with such manufacture is carried on in India. Research in connection with protective measures against gas is carried on in India, as in other countries.

(b) Yes, Sir. Six qualified Indian chemists, including an Assistant Chemical Inspector, are employed at the Research Department, Rawalpindi.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

197. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that during the last 15 years or so, only one candidate with purely Indian qualifications has been admitted to the Indian Medical Service, and that practically all the appointments have been given to those possessing European qualifications? If so, why?

(b) Is it a fact that the Inter-Universities Conference at their Second Session held at Delhi, under the presidency of His Excellency Lord Irwin, passed a Resolution to the effect that in the interests of medical education in Indian Universities, the competitive examination to recruit men to the Indian Medical Service should be revived early, and that it should be held periodically in India, and that all candidates should possess medical qualifications registrable in India?

(c) Is anything being done to give effect to this Resolution, and to allay the feeling of deep dissatisfaction which exists in India against the present method of recruitment to the Indian Medical Service?

Mr. G. M. Young: (a) The reply is in the negative. 58 candidates, with Indian qualifications only, have been appointed to the permanent cadre of the Indian Medical Service since 1914: and I understand that three such candidates were recommended at the latest meeting of the Selection Board.

(b) The reply is in the affirmative.

(c) Government do not propose to take up the question of altering the method of entry into the Indian Medical Service until after the constitutional changes at present under consideration by His Majesty's Government. The question of qualifications is under consideration.

DEATHS OF POLITICAL PRISONERS IN JAILS.

198. ***Mr. Gaya Prasad Singh:** Will Government kindly state separately how many political prisoners, if any, have died in the different jails of centrally-administered provinces, giving the names of the prisoners,

the diseases of which they died, the steps taken by the authorities to afford them proper treatment, and the ultimate disposal of their remains?

The Honourable Sir James Crerar: The information is being collected and will be communicated to the Honourable Member when it is ready.

ACQUITTAL OF MR. ASAF ALI AND MR. FARIDUL HAQ ANSARI, CONVICTED UNDER THE CRIMINAL LAW AMENDMENT ACT.

199. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Lahore High Court has acquitted Mr. Asaf Ali, Bar.-at-Law, and Mr. Faridul Haq Ansari, of Delhi, who were convicted by a Magistrate of Delhi, under section 16 (2) of the Criminal Law Amendment Act, 1908, on the ground that the convictions were illegal, as the notification of the Local Government declaring the Congress Associations unlawful was not published in the Government of India Gazette till the 27th September, 1930, and these convictions took place before that date?

(b) Is it a fact that this judgment of the High Court affects the cases of about 200 persons convicted under similar circumstances under the Criminal Law Amendment Act?

(c) What steps have been taken or are proposed to be taken to deal with cases of those referred to in (b) above?

(d) What is the name of the Magistrate of Delhi, who convicted Mr. Asaf Ali, and Mr. Faridul Haq Ansari?

The Honourable Sir James Crerar: (a) The facts are as stated, except that Mr. Farid-ul-Haq Ansari was not convicted until October.

(b) The actual number of persons affected is believed to be 148.

(c) I understand that applications for revision have already been made to the Sessions Judge in the ordinary course of law.

(d) The Additional District Magistrate, Delhi, before whom the legal point in question was not raised.

Mr. B. Das: In view of the fact that the judiciary all over India has shown their incompetency to understand the common law, will Government try to separate the judiciary from the executive, so that judicial functions can properly be exercised?

The Honourable Sir James Crerar: I cannot accept the Honourable Member's criticism of the judiciary.

Mr. Jagan Nath Aggarwal: Arising out of this question, in view of the fact that the convictions have been held to be illegal by the High Court, will the Government not move the High Court and itself move in the matter?

The Honourable Sir James Crerar: As regards the particular cases in point, I have already pointed out that proceedings are pending in Sessions Court. That being so, it is impossible to make any observations on a matter which is *sub judice*.

Mr. Jagan Nath Aggarwal: My submission is, when the High Court has held the convictions to be illegal, what is the point in waiting for the judicial proceedings to come to an end? It has been held that all cases stand on a par.

Sir Hari Singh Gour: Does the Honourable Member suggest that the Sessions Judge has got any power of acquitting any person in revision?

The Honourable Sir James Crerar: I understand that applications are pending in these cases in the court of Sessions Judge.

Sir Hari Singh Gour: But are they pending cases or cases of all convicted persons? In the case of the latter the only person who can deal with the matter is the High Court or the executive Government. The Sessions Judge has got no power.

The Honourable Sir James Crerar: I have given the Honourable Member the information in my possession. If he wishes any further information, I must ask him to give me notice.

Mr. B. R. Puri: May I know what is the nature of the proceedings that are pending in the Sessions Court?

The Honourable Sir James Crerar: I must ask notice of the question.

Mr. K. Ahmed: Is it not a fact, Sir, that the Sessions Judge has got the discretion to send the record to the High Court if necessary on revision? Is there not a section of the Criminal Procedure Code by virtue of which the Sessions Judge can again refer the matter to the High Court to alter the order if necessary?

(No answer was given.)

OUTBREAK IN BURMA.

200. ***Mr. Gaya Prasad Singh:** Will Government kindly make a statement on the strength of any report which they might have received from Burma, regarding the outbreak there with special reference to the causes leading to it, the approximate number of persons involved, the operations necessary to quell the outbreak, and the approximate number of casualties on both sides?

The Honourable Sir James Crerar: I lay on the table a statement which summarises the salient facts as so far ascertained. The Honourable Member will, of course, realize that the immediate concern of the Local Government has been to bring under control a serious rebellion, and that they have not yet been able to obtain full information regarding certain aspects of it.

Statement.

The outbreak started on an extensive scale, without any warning whatever, on the night of the 22nd December in the south-east of the Tharrawaddy district, where a large mob attacked two villages, killed two headmen and a forest deputy ranger and secured five guns. The same day a small police party came into contact with a mob of 400—500 men. On the 23rd evening news was received that two villages in the Insein district close to the Tharrawaddy border had been attacked and more guns looted, and the same night the railway station and the village of Inywa was raided by a gang of 60 to 80 men who destroyed the telegraph instruments, handled the station master roughly and looted and set on fire a number of houses in the village. Two Indian shopkeepers were also murdered. On the 25th morning rumours were received, which were subsequently confirmed, that Mr. Fields-Clarke, a forest engineer, had been murdered, and the same day a party of military police came in contact with insurgents and inflicted some casualties on them. The same night several hundred insurgents attacked a post of 50 military police and suffered many casualties, a sub-divisional officer of the civil police being also killed in this engagement. It became necessary at this stage to ask for military assistance and the arrival of the troops had a good effect, but the nature of the country made it difficult for

them to get into close touch with any large body of rebels who mainly confined their activities to raiding at night and looting guns and ammunition. On the 29th a platoon of the Punjabis came into contact with 200 rebels near Udokwin and attacked them at long range. The following day the rebels raided the forest camp in Okkan reserve and a small party of them was attacked by the Punjabis near Sitkwin. On the 30th the rebels made an unsuccessful attempt to blow up a railway bridge near Inywa. On the 31st heavy casualties were inflicted on three parties of rebels numbering about 500, and on the same day the Burma Rifles encountered a small party at their headquarters at Alantaung punishing them severely and burning their palace and stores. The capture of their headquarters had an immediate effect on the rebels, a number of whom began to return to their villages but small parties still continued to carry on their raids. On the 2nd January, for instance, a party of 50 rebels came into contact with the Punjabis and were fired upon with good effect. On the night of the 3rd, about a hundred rebels attacked a village and were driven off by the civil police. About the same time a rising took place in the Yamethin district where 40 or 50 rebels raided several villages killing a headman and a police constable and seizing two guns and burning some houses. This rising however, ended rapidly with the surrender of the whole gang including the leader. A fresh outbreak occurred on the 7th January in the Pyapon district. The police went out and met about 600 rebels who advanced against them with banners flying, but were decisively defeated. The present position appears to be that the rebels have broken up into small gangs but are still in open rebellion in the Tharrawaddy District. The rebellion is being brought under control, but the danger of extension to other districts, though less than it was, has not disappeared.

2. The outbreak has exhibited some features common to past risings in Burma, but it has been on a larger scale and more elaborately organised. The object of the rebellion is to overthrow the established government. The information received shows that secret preparations for it have been in progress for some time and that the rebellion was not merely a local rising, but part of a definite plan to organise risings in different parts of Burma, and there is reason to believe that the terrorist party in Burma were privy to it. The approximate number of those who are known to have taken an active part in the rebellion is about 2,600. The approximate number of casualties on the side of the rebels may be placed at 300 or more killed, 130 wounded and 1,150—1,250 captured. Casualties amongst police and troops are 3 killed and 7 wounded. Other casualties are 1 forest engineer, 10 headmen and Government subordinates who have been murdered by the rebels. The operations have been carried out mainly by the military police, but the assistance of regular troops has been given as necessary.

USE OF MILITARY FORCES IN BIHAR AND ORISSA.

201. ***Mr. Gaya Prasad Singh:** Will Government kindly state on how many occasions in 1930, the military force was called out in the Province of Bihar and Orissa, giving separately the following particulars:

- (a) dates, and places (village and district) where they were used, and their numbers?
- (b) why were they called out, and what did they do? And on whose authority were they called out and employed?
- (c) Had they to use their fire-arms, if so, on how many occasions, and with what result?
- (d) what is the total cost which the operations have thrown on the Army expenditure?

Mr. G. M. Young: There were no occasions on which troops were called out in aid of the civil power in the province of Bihar and Orissa in 1930.

RECRUITMENT OF MUSLIMS TO THE POSTAL DEPARTMENT.

202. *Shaikh Fazal Haq Piracha: Will Government be pleased to state:

- (a) What is the total number of posts of Superintendents of Post Offices in India and how many of them are held by Muslims?
- (b) What is the total number of Departmental Officers in the Postal Department in India and how many of them are Muslims?
- (c) What is the total number of probationary Superintendents of Post Offices in India and how many of them are Muslims?
- (d) What measures, if any, have the Government adopted to help the Muslims to get their due share of posts in the Postal Department?

Mr. J. A. Shillidy: (a) The total number of posts of Superintendents of Post Offices, including those of the Railway Mail Service, is 180. Thirty of them are held by Muslims.

(b) I am sorry I have not been able to understand precisely what information the Honourable Member requires, but if he will explain this to me afterwards, I will endeavour to obtain it for him.

(c) The total number of Probationary Superintendents is now 12. Four of them are Muslims.

(d) Instructions have been issued to recruiting authorities to reserve one-third of the permanent vacancies which are filled by direct recruitment for members of the minority communities.

REVENUE AND EXPENDITURE OF BRITISH BALUCHISTAN AND NAMES OF PROMINENT PERSONS THERE.

203. *Seth Haji Abdool Haroon: Will Government be pleased to—

- (a) lay on the table a statement showing the total income and actual expenditure incurred on "Administration" in British Baluchistan during the financial year 1929-30, and separate figures of "Land Revenue", "Income-Tax", "Excise", "Stamp", "Forest" and other civil departments;
- (b) state the total population in British Baluchistan; and
- (c) state the names of those personalities in British Baluchistan whom Government have recognised as Sardars and Nawabs, with their respective private positions?

Mr. J. G. Acheson: (a) The figures required by the Honourable Member will be published in the Book of Detailed Estimates and Demands for Grants for 1931-32 which will be presented to the Legislative Assembly with the Budget.

(b) The population of British Baluchistan proper is about one and a quarter lakh. Possibly however what the Honourable Member has in mind is the entire area under British administration. The population of this area is a little over three and three-quarter lakhs.

(c) Two statements giving the required information, in regard both to British Baluchistan proper and the Agency Territories, are laid on the table.

STATEMENT 'A'.

List of Sardars of British Baluchistan.

District.	Title.	Name.	Private position.
Sibi (Sibi Tahsil) . .	Khan Sahib .	Sardar Samundar Khan.	Is head of the Barozai and Panni tribes of the Sibi Tahsil.
Sibi (Shahrig Tahsil) .	Khan Bahadur, M.B.E.	Sardar Wahab Khan.	Is head of the Panezai Kakars of the Sibi District.
Do. . . .	..	Sardar Murad Khan.	Is Sardar of the Sarangzai Kakars of Shahrig Tahsil.
Loralai (Duki Tahsil) .	Sardar Bahadur	Sardar Nawab Khan.	Is Sardar of the Luni tribe of Duki.
Do. . . .	..	Sardar Shahbaz Khan.	Is head of the Wanechi Pathans of Sinjawi.
Quetta-Pishin (Pishin Tahsil).	..	Sardar Gulam Muhammad Khan.	Is head of the Tarin tribe of Pishin.

STATEMENT 'B'.

List of the Sardars of Agency Territories.

Name of territory.	Title.	Name.	Private position.
Bori (Loralai District) .	Khan Sahib .	Sardar Baz Muhammad Khan.	Is head of the Jogezai Kakars residing in Bori Tahsil.
Barkhan (Loralai District).	Khan Bahadur	Sardar Shah Ghazi Khan.	Is tumandar or Sardar of the Khetran (Baloch) Tribe.
Musakhel (Loralai District).	Khan Sahib .	Sardar Baz Khan.	Is Sardar of the Belkbel Pathans of Musakhel Tahsil.
Do. . . .		Sardar Haji Qadir Khan.	Is Sardar of the Lehrzai Pathans of Musakhel.
Do. . . .		Sardar Allahdad Khan.	Is Sardar of the Jaffer Pathans of Musakhel Tahsil.
Killa Saifulla (Zhob District).	Sardar Bahadur	Nawab Muhammad Khan, Jogezai.	Is head of all the Sanzarkhel Kakars of Zhob.

Name of territory.	Title.	Name.	Private position.
....	Sardar Bahadur	Sardar Zarghun Khan, Jogezeai.	Is a prominent member of the Jogezeai family and is regarded as next in importance to the head of the tribe.
Chagai . . .	Khan Sahib .	Sardar Taj Muhammad Khan.	Is head of the Sinjerani (Baloch) tribe.
Do. . . .	..	Sardar Muhammad Ali Khan.	Is head of the Zaggar Mangal (Brahui) tribe.
Do. . . .		Sardar Abdul Aziz Khan.	Is head of the Badini-Rakhshani Baluchs.
Do. . . .	..	Sardar Mehrulla Khan.	Is head of the Jamaldini-Rakhshani Baluchs.
Nasirabad (Sibi District)	..	Sardar Rustam Khan.	Is head of the Jamali Baluchs.
Do. . . .	Khan Bahadur	Sardar Sher Muhammad Khan.	Is head of the Umrani tribe.
Marri tribal area (Sibi District).	Khan Bahadur	Nawab Muhammad Mehrulla Khan.	Is Tumandar of the Marri (Baluch) tribe.
Bugti tribal area (Sibi District).	Sardar Bahadur, C.S.I., C.B.E.	Nawab Muhammad Mehtab Khan.	Is Tumandar of the Bugti (Baluch) tribe.
Kohlu (Sibi District) .	..	Sardar Dilshad Khan.	Is head of the Zarkhuns.

INSTRUCTIONS TO CENSUS AUTHORITIES *re* REGISTRATION OF CASTE.

204. ***Mr. Gaya Prasad Singh:** (a) Has any memorial been received by the Jat Pat Torak Mandal, Lahore, to issue necessary instructions to the census authorities not to insist upon the registration of caste in the case of those who do not want to have it recorded in the coming census returns?

(b) Are Government aware that societies like the Arya Samaj, Brahmo Samaj, Dev Samaj, Radha Swami Samaj, etc., do not believe in the caste system?

(c) Is it a fact that the *Adhi Dharmies* of the Punjab who do not believe in castes are not compelled to give their castes in the census returns?

The Honourable Sir James Crerar: (a) Yes—and the necessary instructions have been issued.

(b) Yes.

(c) There is no compulsion in the matter at all.

REMOVAL OF THE IMPERIAL LIBRARY FROM CALCUTTA TO NEW DELHI.

205. ***Mr. S. C. Mitra**: Will Government please state:

- (a) Whether it was proposed to remove the Indian Museum and the Imperial Library from Calcutta to New Delhi after the transfer of capital from Calcutta?
- (b) If the Indian Museum is a grant-in-aid institution and not a Government institution as stated by Government in reply to my starred question No. 2 (a), dated the 14th July, 1930, in the Legislative Assembly, on what principle is the idea of removing it from Calcutta contemplated?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The question of removing the Imperial Library was considered by Government, but it was decided not to remove it. As regards the Indian Museum, the proposal to remove it from Calcutta does not appear to have been considered, as no papers in this regard are traceable.

- (b) Does not arise.

INADEQUACY OF THE PROVISIONS OF THE PRESS ACT OF 1910

206. ***Mr. K. P. Thampan**: (a) Will Government be pleased to state whether they have received any representation from the Local Governments regarding the inadequacy of the provisions of the Press Act of 1910 to meet the prevailing conditions in their provinces and the imperative necessity for fresh legislation?

- (b) If so, from what Local Governments?

(c) Will Government be pleased to lay on the table such correspondence?

The Honourable Sir James Crerar: The Press Act of 1910 was repealed in 1922. I presume the Honourable Member is referring to the correspondence with Local Governments relating to the necessity of measures for the better control of the Press subsequent to the lapse of Ordinance No. II of 1930. I regret that, as the papers are confidential, I am unable to comply with the Honourable Member's request, but I can inform him that Local Governments were unanimous in regard to the necessity of such measures.

DEVELOPMENT OF THE INDIAN MERCANTILE MARINE.

207. ***Mr. S. C. Shahani**: (a) Will the Government be pleased to state whether any action has been taken to give effect to the statements and promises contained in their communiqué dated the 6th January, 1930, wherein they definitely undertook adoption of measures for the development of the Indian Mercantile Marine, as soon as it had been possible for them to consider fully the issues raised in the discussions which took place at the conference convened by them on the 3rd January 1930? If not, what are the reasons?

(b) What steps do they propose to take for the development of the Indian Mercantile Marine and particularly towards the Indianisation of the coastal trade, in pursuance of the communiqué referred to above?

The Honourable Sir George Rainy: (a) and (b). On the 23rd September, 1929, in answer to a question by Sir Purshotamdas Thakurdas, I said that it was the earnest hope of the Government of India that a solution of the difficult question of promoting the development of the Indian Mercantile Marine might be found in a spirit of co-operation and good will. At the beginning of 1930, in the hope of bringing about such a solution, a Conference representative of the British and Indian commercial communities was held at Delhi under the Presidency of the Governor General. No settlement was reached at the Conference, and the following communiqué was issued on the 6th January, 1930:

"The Government of India will take into consideration at an early date the issues raised in the discussions which took place at the Conference on the development of the Indian Mercantile Marine. As soon as it has been possible fully to consider these issues, the responsibility will rest with the Government of India of deciding what action should now be taken and whether any useful purpose would be served by inviting the interests concerned to meet again".

Before any decision could be reached, it became obvious that the political atmosphere had become wholly unfavourable to a settlement by agreement, and the Government of India felt that no purpose could be served by re-opening the discussions. The problem, therefore, still remains unsolved. But the Government of India have not modified their opinion that what should be aimed at is a settlement by consent, and they are hopeful that, before long, there may be opportunities for renewed efforts in that direction.

It is obvious from the deliberations of the Round Table Conference that many important questions, in which both British and Indian commercial opinions are interested, will have to be discussed fully, and if they are approached in the spirit displayed at the Conference itself, agreement should be possible. Until it is clear that an agreed settlement cannot be reached, the Government of India would be reluctant to proceed with the question upon other lines.

GOVERNMENT SCHEME FOR THE INDIANISATION OF THE ARMY.

208, ***Mr. Gaya Prasad Singh:** (a) Is it a fact that about five years before the appointment of the Indian Sandhurst Committee, the Government had appointed a committee of military experts to advise within what time all officer ranks of the Indian Army could be filled by Indians?

(b) Did Government, in this connection, prepare and submit another scheme to the War Office in England? If so, were the two schemes laid before the Indian Sandhurst Committee; and if not, why not?

(c) Are Government prepared to lay a copy of their scheme on the table? If not, why not?

Mr. G. M. Young: (a) A committee was appointed by the Commander-in-Chief in 1921 to examine the question of progressive Indianization.

(b) and (c). The answer to the first part of (b) is in the negative. The latter part (b) and part (c) do not therefore arise.

Mr. Gaya Prasad Singh: The last part of (b) has not been answered—"If not, why not?". Why were the two schemes not laid before the Indian Sandhurst Committee?

Mr. G. M. Young: There was no second scheme.

Mr. B. Das: Does the Honourable Member deny the accuracy of the Press report that such a scheme was put before the Defence Committee of the Round Table Conference and that it was produced by the India Office?

Mr. G. M. Young: I have already said, Sir, that the answer to part (b) of the question is in the negative. There was the committee of military experts but Government did not formulate a scheme of their own.

Mr. B. Das: Does the Honourable Member deny the Press report that the scheme was produced before the Defence Committee of the Round Table Conference?

Mr. G. M. Young: I have not seen the Press report.

Mr. B. Das: Why did not the Honourable Member take action to deny it and issue a Press communiqué that the Government of India had not sent any such report?

Mian Muhammad Shah Nawaz: Is it not a fact that a scheme known as the Lawrence scheme was drafted before the matter was referred to the Sandhurst Committee? Was it placed before the Sandhurst Committee?

Mr. G. M. Young: I do not know about that scheme, Sir, it was not placed before the Sandhurst Committee.

Mr. Gaya Prasad Singh: Why was not that scheme placed before the Sandhurst Committee?

Mr. G. M. Young: I do not know, Sir.

Mr. Gaya Prasad Singh: Is the Honourable Member prepared to lay a copy of it now before the House?

Mr. G. M. Young: I am not quite certain to what scheme Honourable Members are at present referring. There was no scheme such as is described in this question.

Mr. Gaya Prasad Singh: Was there no scheme prepared at the instance of the Commander-in-Chief about four or five years before the appointment of the Sandhurst Committee?

Mr. G. M. Young: The scheme prepared at the instance of the Commander-in-Chief is the scheme referred to in this question; that was not the Government of India's.

Mr. Gaya Prasad Singh: Was that scheme placed before the Sandhurst Committee or not?

Mian Muhammad Shah Nawaz: Was not a certain scheme prepared by General Rawlinson?

Mr. G. M. Young: I have already said that no scheme of that kind was placed before the Indian Sandhurst Committee.

Dr. Ziauddin Ahmad: I, as a member, never heard of it.

DUMPING OF RUSSIAN SUGAR IN INDIA.

209. ***Lala Hari Raj Swarup:** (a) Has the attention of Government been drawn to the proposed import of Russian sugar in India at a rate below cost of production?

(b) Have Government any information as to what quantities are involved in case of such imports?

(c) Do Government realise the serious consequences to the indigenous sugar industry resulting from such dumping activities of foreign countries?

(d) Do Government propose to take any special steps immediately with a view to prevent the dumping of imported sugar on the Indian markets and, if so, what?

The Honourable Sir George Rainy: (a), (b), (c) and (d). Government are aware of the report of intended importations of Russian sugar into India. Their information is that business has so far been done in a consignment of about 6,000 tons, which is expected to reach India next month. The price at which this transaction is reported to have taken place is slightly below the current price for Java sugar, but Government have no information regarding the relation which this price bears to the cost of production in Russia. Government do not propose to take any steps in the matter immediately, but I would remind the Honourable Member that the question of protection to the Indian sugar industry is now under examination by the Tariff Board.

Lala Hari Raj Swarup: Will Government be pleased to state for how long has this Report been under examination by the Tariff Board?

The Honourable Sir George Rainy: I do not recollect, but I think the reference was made last spring.

Lala Hari Raj Swarup: Will the Government be pleased to invite the attention of the Tariff Board and ask them to submit their Report at an early date in view of the low prices of sugarcane?

The Honourable Sir George Rainy: Certainly, Sir; the Tariff Board are fully sensible of the importance of the early submission of their Report and are doing their best to let the Government of India have their Report at the earliest possible date.

Mr. B. Das: Is there any chance of that Report being discussed by this House in this session?

The Honourable Sir George Rainy: It is difficult to say, Sir.

INCOME-TAX ON INTEREST OF PROVINCIAL LOANS.

210. ***Lala Hari Raj Swarup:** (a) Will Government be pleased to state on what occasions and in what amounts income-tax has been charged from the Provincial Governments of the United Provinces and Bombay on their tax-free loans?

(b) Was the contribution discontinued for some years? If so, why has it been re-imposed?

The Honourable Sir George Schuster: (a) Under the terms of the notifications relating to these loans, the interest on the loans is not liable to income-tax but the Provincial Governments pay to the Government of India the amount of income-tax thereon. Information as to the amounts paid each year is being collected and will be furnished to the Honourable Member in due course.

(b) The contribution has not been discontinued.

PROVINCIAL LEGISLATION *re* LAND REVENUE SETTLEMENTS AND IRRIGATION RATES.

211. ***Lala Hari Raj Swarup:** (a) What is the present position with regard to the measures that were directed to be taken by the Joint Parliamentary Committee on reforms in 1919 for the enactment of legislation in the provinces to fix the principles of land revenue settlements and irrigation rates and to bring them within the purview of the Legislature?

(b) What are the provinces which have not yet passed legislation in this behalf and why?

(c) Have the Government of India urged the necessity of passing these enactments on the Provincial Governments which have not yet passed these Acts, before the advent of next reforms?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). Effect has already been given to the recommendations of the Joint Parliamentary Committee in the Punjab, the United Provinces and the Central Provinces. I would refer the Honourable Member to the legislation recently enacted in those provinces, from which it will be seen that provisions regarding the pitch of assessment, limitation of enhancement, and duration of settlement, have all now been embodied in law and are not left to be regulated by rules. Legislation on the subject has also recently been passed by the Assam Legislative Council, but has not yet received the assent of His Excellency the Governor. Similar legislation is under consideration in Bombay, and the necessary Bill will be introduced into the local Legislative Council in due course. The problems of Burma differ from those which confront Local Governments in the rest of British India and the Local Government have not yet found themselves in a position to introduce legislation on the lines proposed. As regards Madras, I would refer the Honourable Member to the reply I have given to Diwan Bahadur T. Rangachariar's question No. 89. I should add, for the information of the Honourable Member, that the Joint Parliamentary Committee made no reference to irrigation rates.

(c) I would refer the Honourable Member to my reply to part (b) of Raja Sir Vasudeva Rajah's question No. 35.

Lala Hari Raj Swarup: Is the Honourable Member aware that the U. P. Government presented a Bill before the U. P. Legislative Council in 1925 to bring the regulation of irrigation rates under purview of the Legislature and that the Member in charge of the Bill stated in the Objects and Reasons that the Bill had been brought forward in compliance with the recommendations of the Joint Parliamentary Committee on Reforms?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: No.

RAILWAY COMPANIES REMAINING TO BE PURCHASED BY THE STATE.

212. ***Lala Hari Raj Swarup:** (a) What are the names of railway lines which remain to be taken over by Government?

(b) When are they due to be taken over?

(c) What are the amounts of money required to be paid in each case?

Mr. A. A. L. Parsons: I place a statement on the table giving the required information. It will be seen that in most instances the purchase price cannot be stated with accuracy at present.

Serial No.	Railways	Date on which option to purchase may be exercised.	Approximate purchase price where it can be ascertained.	Remarks (showing how purchase price is fixed).
1	2	3	4	5
1	Assam Bengal	31st December 1941	£ 1,500,000	Share Capital.
2	Bengal and North-Western (including Tirhoot Railway).	31st December 1932	10,078,000	Estimated.
3	Bengal Nagpur	31st December 1950	3,000,000	Share Capital.
4	Bombay, Baroda and Central India.	31st December 1941	2,000,000	Ditto.
5	Madras and Southern Mahratta	31st December 1937	5,000,000 <i>plus</i> (any additional paidup Capital Stock).	Ditto.
6	Rohilkhand and Kumaon (including Lucknow-Bareilly).	31st December 1932	1,834,000	Estimated.
7	South Indian	31st December 1945	1,000,000 <i>plus</i> (any further Capital raised by the Com. penny).	Share Capital.
8	Chaparmukh-Silghat	31st March 1948	....	25 times average yearly net earnings during the last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
9	Katakhal-Lalabazar	31st March 1954	....	Ditto.
10	Mymensingh-Bhairab Bazar	31st March 1948	....	Ditto.
11	Mayurbhanj	31st March 1950	....	Ditto.

Serial No.	Railways.	Date on which option to purchase may be exercised.	Approximate purchase price where it can be ascertained.	Remarks (showing how purchase price is fixed).
1	2	3	4	5
12	Tapti Valley	31st March 1942	£	25 times average annual net earnings of the last 5 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
13	Ahmedabad-Prantij	31st December 1948	....	120 per cent. of Capital expenditure on the 31st December 1930 <i>plus</i> actual authorised Capital expenditure during the period between the 1st January 1931 and 31st December 1946.
14	Champener-Shivrajpur Parsi Light	31st March 1944	....	25 times average net earnings during the last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
15	Godhra-Lunavada	Do.	....	Ditto.
16	Nadad-Kapedvanj	Do.	....	Ditto.
17	Sars-Sirajganj	30th September 1946	....	Ditto.
18	Khulna-Bagerhat	31st March 1948	....	Ditto.
19	South Bihar	30th June 1939	684,580	Amount provided for in contract.
20	Hardwar-Dehra	31st December 1939	....	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.

21	Dhond-Baramati	.	.	.	30th September 1944	.	....	Ditto.
22	Ellichpur-Yeotmal	.	.	.	31st March 1947	.	....	Ditto.
23	Pachora-Jamner.	.	.	.	31st March 1949	.	....	Ditto.
24	Pulgaon-Arvi	.	.	.	31st March 1947	.	....	Ditto.
25	Mirpurkhas-Khadro	.	.	.	31st December 1932	.	....	Ditto.
26	Tenali-Repalli	.	.	.	8th March 1946	.	....	Ditto.
27	Bezwada-Masulipatam	.	.	.	31st December 1938	.	....	Ditto.
28	Matheran Light	.	.	.	1st January 1940	.	....	Ditto.
29	Amritsar Patti	.	.	.	31st December 1935	.	....	25 times average net earnings during last 3 calendar years.
30	Hoshiarpur-Doab Branch (Jullunder-Mukerian and Phagwara-Rahon).	.	.	.	31st March 1946	.	....	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
31	Mandra-Bahun	.	.	.	31st March 1947	.	....	Ditto.
32	Sialkot-Narawal	.	.	.	31st March 1946	.	....	Ditto.
33	Jacobabad-Kashmore	.	.	.	31st March 1945	.	....	Ditto.
34	Larkana-Jacobabad	.	.	.	31st March 1954	.	....	Ditto.
35	Podanur-Pollachi	.	.	.	15th October 1945	.	....	Ditto.
36	Tinnevely-Tiruchendur	.	.	.	24th February 1953	.	....	Ditto.
37	Barsi Light	.	.	.	1st January 1944	.	....	Total paidup Capital expended with the authority of Government.

Serial No.	Railways.	Date on which option to purchase may be exercised.	Approximate purchase price where it can be ascertained.	Remarks (showing how purchase price is fixed).
1	2	3	4	5
38	Bengal Doars (including extensions).	31st December 1933		1½ths of the invested Capital liabilities of the Company with regard to the original line, and 25 times average net earnings of last 5 years subject to a maximum of 120 per cent. of the total Capital expenditure and Capital liabilities and a minimum of such Capital expenditure and liabilities, as regards extensions.
39	Darjeeling Himalayan	4th May 1939		Value of the line as divided earning investment, with an additional bonus of 20 per cent. over and above such value.
40	Darjeeling Himalayan] Railway Extensions.	31st March 1946		25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.
41	Dibru-Sadiya	5th February 1941		20 per cent. in excess of the value of the property as a dividend paying investment.
42	Ledo and Tikak Magnerita Colliery	30th July 1931		On the termination of lease the Company may remove all railway and tramway lines including all other machinery if Government are not willing to purchase these.
43	Ahmadpur-Katwa	31st March 1948	....	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of total Capital expenditure and a minimum of such Capital expenditure.

44	Bankura Damodar River	.	.	31st March 1947	.	Ditto.
45	Desghara-Jamalpuranj	.	.	31st March 1948	.	Ditto.
46	Burdwan-Katwa	.	.	31st March 1948	.	Ditto.
47	Futwah-Islampur Light	.	.	31st March 1948	.	Ditto.
48	Jessore-Jhenidah	.	.	31st March 1943	.	Capital expenditure since 25th September 1924 plus Rs. 10 lakhs.
49	Kalighat-Palta	.	.	31st March 1947	.	25 times average net earnings during last 3 years subject to a maximum of 120 per cent. of the total Capital expenditure and a minimum of such Capital expenditure.
50	Shahdara (Delhi)-Saharanpur Light	.	.	15th October 1935	.	25 times average net profits subject to a minimum of Capital expenditure and a maximum of 25 per cent. in excess of that sum.

NOTE.—Light Railways and Tramways built under orders of Local Governments have not been included.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President: I have to inform the House that the following five Members have been elected to the Standing Committee on Pilgrimage to the Hedjaz, namely:

1. Haji Chaudhury Muhammad Ismail Khan.
2. Kunwar Hajee Ismail Ali Khan.
3. Seth Haji Abdoola Haroon.
4. Shaikh Fazal Haq Piracha.
5. Mr. M. Maswood Ahmad.

APPOINTMENTS TO THE LIBRARY COMMITTEE.

Mr. President: I have also to inform Honourable Members that I have appointed Dr. Ziauddin Ahmad and Mr. C. S. Ranga Iyer to the Library Committee of the Indian Legislature.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning the 2nd February. The days appointed for Government business are Monday, the 2nd, and Wednesday, the 4th.

The first business on Monday the 2nd, will be the conduct of the elections for the Committee to examine the Report of the Tariff Board on the salt industry and to the Standing Committee on Roads.

The legislative programme will be as follows:

Motions will be made to take into consideration and, if those motions are accepted, to pass the following Bills:

A Bill further to amend the Cantonments Act, 1924, for certain purposes.

A Bill further to amend the Indian Territorial Force Act, 1920, for a certain purpose.

A Bill further to amend the Auxiliary Force Act, 1920, for a certain purpose.

A Bill to make special provision for the administration of the port of Vizagapatam.

A Bill to give effect in British India to the treaty for the limitation and reduction of naval armament; and

A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

Motions will be made to refer to Select Committee the following Bills:

A Bill to provide for the fostering and development of the gold thread industry in British India.

A Bill to provide for the modification of certain import duties relating to the fostering and development of the steel industry in British India; and

A Bill to define and amend the law relating to partnership.

So much of this programme as is not completed on Monday the 2nd, will be taken on Wednesday, the 4th.

Members are already aware that Tuesday the 3rd and Thursday the 5th have been allotted for the transaction of non-official business.

RESOLUTION *RE* AMENDMENT OF LEGISLATIVE ASSEMBLY ELECTORAL RULES.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural):
Sir, I move the following Resolution that stands in my name. It reads thus:

"This Assembly recommends to the Governor General in Council that he may be pleased to amend rules 11 (8), 12 (2) and 14 (1) of the Legislative Assembly Electoral Rules in such a way as to make it clear that there should be no poll in cases where candidates in a constituency withdraw their candidature at any time before election, leaving a candidate or a number of candidates equal to the number of seat or seats to be filled by that constituency."

Sir, there has been a great deal of hardship to many candidates in the past on account of ambiguity in the existing rules. As far as these rules are concerned, they leave a great deal of doubt in the mind of the candidate when he stands for election, and he is also faced with a number of difficulties which suddenly appear before him on account of the ambiguity in the rules. Sir, these rules allow a candidate to withdraw, but the withdrawal is considered to be ineffective if it takes place after the next day after the scrutiny. It means that the candidate, who has actually withdrawn and who does not want to contest an election, is still in the field and the voters are allowed to vote in his favour, although he does not want anybody to vote for him. There is another anomaly in this, Sir, that a candidate who is left by himself in a constituency has to go through all the procedure of an election, incur unnecessary expenditure, put the voters to unnecessary hardship, drag them from their homes and bring them to the polling booths. The Government too have to incur unnecessary expenditure and botheration by spending money, sending polling officers to the polling stations, and in other ways incurring public expenditure. All these difficulties occur on account of the ambiguity in these rules. I do not know where these rules came from or how they were framed. Probably the framers of these rules did not pay much attention to all these possible difficulties with which the candidates would be faced. Nobody knows about these difficulties when they stand for election in the first instance, but in actual practice all these difficulties appear, and these are all due to the ambiguity in the existing rules. It is not only my own experience, but it is the experience of several Members of the Assembly and they have to enact a farce on many occasions. The easiest way for me to convince the House will be by taking up my own case and illustrating to the House where the difficulty lies and how it should be removed. In my case, the date of scrutiny was the 4th September, 1930, and the

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date of election, 26th September. According to the rules, a candidate who has got himself nominated should at the latest, withdraw on the 5th by 3 o'clock, that is, the next day after the scrutiny, and if he withdrew his candidature after that date, that would be ineffective so far as polling was concerned, that is, if he did not want to have any votes recorded in his favour. But the constituency was at liberty to go and vote for him. Although I was the only candidate, still arrangements had to be made for polling stations so that the voters might come and vote for anybody they liked. On the 5th September, there was a local holiday in Agra; the 6th was a gazetted holiday, and the 7th was a Sunday. The candidate, who knew that the Returning Officer was the District Magistrate, could not attend his office owing to the local holiday on the 5th, and neither of the candidates knew that the power of receiving withdrawals had been delegated by the Returning Officer to a Treasury Officer, because the Treasury was open on the day when there was no gazetted holiday. You cannot expect a candidate to go about searching and enquiring whether there was delegation of this power to anybody else or not. Naturally when he found that the office of the District Magistrate was closed on that day, the earliest date on which the withdrawal could be made was the 8th September. By that time, the candidate standing against me, learning that all the influential persons of the constituency were on my side, had decided that he would not stand and incur unnecessary expenditure, and would try and save his Rs. 500, which he had paid as security. He went and filed his withdrawal on the 8th September under the impression that it was quite effective. But he was told by the office of the District Magistrate that this was quite ineffective and that the election must take place. I went to Agra and I learnt also that the withdrawal was ineffective. Thereupon, I went and saw the District Magistrate and had a talk with him. He asked me, "Who else besides you is in the field?". I said, "Nobody else except myself; he has withdrawn". "There can be no election. You are the only candidate left in the constituency, and how can there be any election?", he said. I said, "But your office tells me that there will be an election". He said, "But I am not bound by their view. I must exercise my own discretion". I said "Yes, that is a sensible discretion and there can be no election". On this understanding I returned to my place from Agra, and when I reached my home, the first thing I got was a letter from the returning officer which was waiting for me and had arrived that very morning. I will read out what this letter says:

"I regret to inform you that on consulting the instructions of Government on the subject of election, I find that the withdrawal of Saiyid Athar is not valid and cannot be effective to obviate polling."

After I had left my constituency only the day before, I had to go back to it owing to this letter. The view which the District Magistrate had taken before in my presence was the most sensible one, and it ought to have been the law, and not the incorrect procedure as laid down in the instructions of Government. On the 10th I had to return back to my constituency. I knew for certain, and I had a talk with the candidate, and he told me that he was not going to stand at all, and that, as he had withdrawn he was not going to bother himself about it. He had let everybody know that he was not going to be in the field and that he was not going to poll any votes for himself.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Then why did he stand? (Laughter.) What was the reason of his withdrawal?

Mr. Muhammad Yamin Khan: As it happened, I saw the District Magistrate and I was told that all the 120 polling stations in my constituency would be managed and that people would be sent to those stations, which meant an unnecessary expenditure when the Government had come to know eighteen clear days in advance of the withdrawal of my rival. The interval was not a day or two; he withdrew on the 8th and the election was to take place on the 26th; and that left a clear margin of 18 days. But the instructions of the U P. Government were as follows:

“Withdrawals after the time prescribed must be disregarded for all purposes, namely, they will not prevent polling, and, consequently, should not be reported to Superintendent, Government Press.”

According to these instructions, the returning officer was obliged to conduct the election. The papers had to be printed; arrangements at all the 120 polling stations had to be made; Government officers had to be sent there; the routine work of Government had to be suspended, and there had to be a general holiday in the constituency. The public were put to unnecessary botheration, public money was wasted, and public officers were put to the inconvenience of travelling to different polling stations, probably recording no votes at all at the polling booths. They had to sit there from morning till evening doing nothing and absolutely not seeing the face of anybody to go and poll there. That was the result

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Did he forfeit his deposit money?

Mr. Muhammad Yamin Khan: Yes.

Mr. S. C. Mitra: Is that not a check on these frivolous candidates?

Mr. Muhammad Yamin Khan: Yes, that is what I am coming to.

Mr. K. Ahmed: My Honourable friend is very sympathetic.

Mr. Muhammad Yamin Khan: As there was liberty for anybody to record his vote, although my rival candidate had withdrawn and was not standing at all, supposing I had sat down at home and only about four or five votes had been cast in my favour and a few more votes had been cast in favour of my opponent, then the result would have been that, although he had withdrawn, he would have been declared elected and not myself. But as a matter of fact, to protect myself against this contingency, I had to see that my agents were present at all the big polling stations—of course it was unnecessary to go to polling stations where there were only a small number of votes recorded—to ask people there to come and record their votes in order that I might not be taken by surprise somewhere else. Although I got more than 900 votes, still for my opponent, although he had withdrawn his candidature, there were seventeen people who came and recorded their votes. Suppose I had
12 Noon. polled only four or five votes in one place, then the result would have been that 17 votes would have got him elected and not me. That is the ambiguity of the rules. It happens that in some places a candidate does not want to contest an election and does not want to forfeit his Rs. 500 deposit money. He goes to the other candidate

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and says, "If you pay me Rs. 500, I won't poll in my own favour". If that man is willing to pay, then it will invalidate his election as it comes under corrupt practice. The other method is that the retiring candidate asks the other candidate to take the whole arrangement in his hand and poll at least one-eighth votes in his favour. That will mean an absolute farce. There is no proper election. Government are incurring a lot of expenditure. For what purpose? The candidate in the field gets seven votes and his rival gets one vote. This has happened in many cases. The whole farce has got to be enacted in the whole constituency in order to save Rs. 500 of the man who has withdrawn and in a constituency where there are 123 polling stations, you can imagine the trouble to the people in the rural area. They have to come from a distance of six or seven miles after stopping their work on the farms. Without any rhyme or reason these people are put to unnecessary botheration. These rules must be changed in order to save public money and to avoid inconvenience to all concerned, in order to save the election from becoming a farce. I do not want to go into many details. I think what I have said is sufficient to convince this Honourable House that there ought to be a great change in the rules. There is going to be a new constitution and there will be new rules framed and certain committees will have to go through all these things. My intention in tabling this Resolution was that the matter should be on record and it should be for the guidance of the committee which may frame the rules in future. The Committee will have to inquire into the defects in the working of the present rules so that there may not be any hardship later on. With these words I move my Resolution.

Mr. K. Ahmed: Sir, I have had considerable experience of elections even before the advent of my Honourable friend in this House. It has become customary in the country for the so-called public men to stand as candidates for election with a view to make money and leave the constituency in the lurch. My friend has put his case before the Assembly and I have thus got a golden opportunity to give him a suitable reply. I do not think I came here to make a speech nor did I read the text of the Resolution, but I have had the pleasure of hearing him at great length and I shall make a few remarks for the guidance of the Government before they compile their new set of rules under the Simon Commission's proposals. In every constituency nowadays, we find candidates submitting their nomination papers. Those nomination papers have to be scrutinised on a certain day, and after the scrutiny is held by the Returning Officer, 24 hours' time is given to the candidate to choose whether he will stand or not and find out whether his purse is long enough to fight the battle, or whether he will retreat. In these 24 hours the life of the candidate becomes miserable. Unnecessary persons come into the field without knowing the art of speaking and without knowing what to do and saying to the candidates, "If you give me so much I shall retire in your favour". Here is a friend of mine sitting behind me proposing this Resolution. In his province probably there is not so much corruption.

Mr. Muhammad Yamin Khan: I am glad there is no corruption in my province.

Mr. K. Ahmed: The population of Muslims is scattered in his province and they are very few indeed. My friend had only 120 polling stations. I have had the honour of representing a constituency in this Assembly for the last 11 years, in which there are as many as 516 polling stations and no less than 20,000 to 30,000 voters to vote; and if I count three or four votes from each polling station of my friend from Meerut, he will find about 360 or 480 votes, and that is the constituency he represents. (Laughter.) If he will allow me, I shall place the whole matter before the House. Then, Sir, the struggle of 24 hours is not limited, because there will probably be more than one in the field; for instance, one of the richest of men, a totally unfit person in comparison with the original candidate, (Hear, hear.) is approached, and he says, "My vote will be for Rs. 5,000". Now suppose you, gentlemen, come here and support me and write out a pamphlet like this—that I am a more worthy person than probably Sir Abdur Rahim (Hear, hear.), who, you know, may not pay even a thousand rupees, what is the good of my paying you Rs. 5,000? I would say, "Kindly, two of you gentlemen, write a good pamphlet and circulate it at your cost throughout the constituency that I, such and such, will be the rightful person to be voted for". What happens then? My conviction, Sir, is—and I am as much a lover of my community as anybody else—that this proposal should not be accepted. I do not know how my Honourable friend experienced any difficulties. I have respect for him, and I take it for granted that he has come here without the use of any illegal processes. (Laughter.) I take it for granted also that there is nothing behind my friend's intention in giving notice of a Resolution to the Secretary of the Legislative Assembly. Probably he thinks in his case it is quite right; that he had to undergo certain difficulties and inconveniences; but my friend is not realizing the situation of the other places and the undesirability of undesirables submitting nominations for election, and then withdrawing unnecessarily everything except the interests of their own, acting against the public policy, taking bribes from the opponents and having their withdrawal declared on receiving a large amount of money. That being so, it is undesirable that the Government should come forward to amend rule 11 or rule 11 (3).

Mr. Muhammad Yamin Khan: It is rule 11 (8).

Mr. K. Ahmed: I thought it was fresh in my mind,—only three months ago I was concerned. However, it does not matter. Well, if a man does not withdraw within 24 hours after the last scrutiny, then the election will be held. I know the difficulties of getting so many polling stations and polling officers to preside over those stations to record the votes are great; that the system is costly; and that Government do incur some cost in connection therewith. There is no doubt about that, but what about a candidate who has got a little money and who is not a worthy person, as I illustrated in one case, asking, say, Sir Abdur Rahim? He is not going to pay but his rival is paying say Rs. 5,000 to A, B and C, and they are willing to circulate a pamphlet in favour of the undesirable man. How will he stop that? I shall be glad if he will give me answer. He has got a reply to make I suppose after the closure, and I shall be delighted to hear if he can give any specific reasons in reply to the points I am raising against his Resolution. If the Government allow even another 24 hours, up to the 8th of September, my friend may say that on account

[Mr. K. Ahmed.]

of the holidays the courts were closed on the 6th and 7th, and on the 8th or on the following day of opening, probably my friend might explain the position to the Magistrate who is the Returning Officer, who hears at first sight that he is the only candidate, that is, the Mover of the Resolution, and that the other candidate has withdrawn. Well, he is probably a right-minded Magistrate or Returning Officer, and I probably should have done the same thing, but unfortunately, I have had to undergo difficulties and have probably, as a result of that little bit of experience, grown grey. (Laughter.) In that case the Magistrate, who will probably become a high officer a few days after, might say, "No, the rule is quite right, and the election must be held". Moreover, Sir, I should like, for the sake of safety and for the preservation of the rules, that they should be followed properly, and that there should be added—I am not giving notice of any amendment—a clause should be added to rule 11 that in the case of withdrawal, the Returning Officer will have the option or discretion to enter into the question whether the candidates withdrawing were the right candidates and were justified in withdrawing; whether any reasons are shown as to why they stood and why they were withdrawing; that sort of reason should be stated there. If that is done, this sort of illegality and this sort of difficulty that is put up against the election of the right men, so that many people now-a-days persist in this corrupt habit, will not occur, and that is the reason why I think my friend should put in a clause that, instead of removing the clause

Mr. Muhammad Yamin Khan: Sir, I am not removing any clause from the Bill. I only suggest that the ambiguity should be removed by Government.

Mr. K. Ahmed: There is no ambiguity. The ambiguity, if there is any, can be removed in the way I have suggested. Otherwise, you have a system under which undesirables come here, accept money and ask a constituency, the majority of whom are in the mofussil, wherefrom my friend comes, and who are led by maulanas and maulvies, which latter are trying now-a-days to come forward to stand as candidates, to vote for such and such persons. Sir, many of the latter class I had an opportunity to see in the year 1921 and later also. None of them are here in the Assembly today, and the cause of reform is advancing in this country, and the amelioration of those difficulties is steadily proceeding, so that better men are now-a-days coming to the Assembly, representing the people and the constituencies properly. I do not think, unless the rule is repealed on better lines than those my friend has suggested, any improvement of the system and of the rules of election to this Assembly or anywhere else will ensue. I, Sir, having undergone a lot of difficulties and botheration in connection with these election tactics, since the Minto-Morley Reforms, oppose the proposal, tooth and nail (Laughter), of my friend behind. Sir, he has said that the rule is absurd. I do not think there is any absurdity in the rules at all. If he had enlarged it a little more by extending the time by even another 24 hours after the scrutiny was over for the withdrawal, I suppose there would have been a larger amount involved and an increment of the amount which one person bids against the other. That being so, Sir, I oppose the Resolution very strongly.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I think, it will not be out of order if I place before the House my personal experience. I and Mr. Ali Hassan Khan, Bar.-at-Law, were the two candidates for the Patna and Chota Nagpur *cum* Orissa constituency. After the scrutiny, Mr. Ali Hassan Khan, Bar.-at-Law, decided to withdraw. Sir, Patna is hundred of miles off from Ranchi, and the Returning Officer of my constituency was at Ranchi, and so Mr. Ali Hassan Khan submitted his withdrawal petition to the Extra Returning Officer, that is the District Magistrate of Patna, within the time. Sir, on account of some office work, the Extra Returning Officer could not wire the petition to the Returning Officer in time, and the withdrawal petition reached the Returning Officer an hour late. On account of this, the Returning Officer did not accept the withdrawal petition and announced that a poll should take place. Sir, the attention of the Returning Officer was drawn to the regulation regarding the election in Bihar and Orissa, and he was requested to ask the proper authority for the interpretation in regard to the power of an Extra Returning Officer. Unfortunately the Returning Officer asked the Local Government, and the reply was that this question should be asked of the Central Government as it was for the Assembly election. He was again requested to ask the proper authorities, that is, the Central Government, but he did not decide to ask the Government of India for interpretation. He replied to me that I might ask if I wanted. By that time the polling day was near at hand and the poll took place with a heavy loss to both the candidates, and the public also suffered a great deal of trouble. Sir, what is the benefit of forcing an election when the candidate does not decide to contest? All these troubles were due to the fact that the withdrawal petition reached the Returning Officer an hour late. With these words, I support the Resolution of my Honourable friend, Mr. Yamin Khan, that there should be some amendment of the rules.

Raja Bahadur G. Krishnamachariar: (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I most heartily support the Resolution as moved by my Honourable friend, Mr. Yamin Khan. I was exactly in the same boat as himself. Besides the trouble that he had enumerated, there are one or two other matters which took place in this election. As the House is aware, there was a general election this time and in the constituency where I had polled, we had an election for the local Legislative Council, and where the Assembly voters numbered about 500, the local Legislative Council voters were about 2,000. That was one booth. Another booth was the Muhammadan constituency, a third was the Indian Christian constituency and the fourth was the Legislative Assembly constituency. The Government deputed only one man to record the votes in all these four booths. So alternately people were passed in to record the votes, and when it came to my agent to get my votes recorded, he was told, "What does it matter; you can wait. The other candidate has withdrawn". With the result that in booth after booth there was trouble for my agent, and it was with very great difficulty that I was able to get my votes recorded. Another reason for my saying this was because of two circumstances. The one was an attempt by the opposing candidate—I do not know if he did it himself or somebody else did it on his account—to save or recover his deposit; and in order to do this some persons began to work for him. More than that, there was the blackmailer behind the booth,

[Raja Bahadur G. Krishnamachariar.]

who said to every voter, "Don't believe that anybody has withdrawn; you go and vote for the other man". If the agent is out for getting the voters, that will give the blackmailer the chance of his life and the master is left alone. He tells this voter, "Don't you believe that the other candidate has withdrawn. That man is simply trying to humbug you". In that way, I had to fight this election between two fires. I cannot understand what trouble there is. If even the withdrawal had taken place 24 hours before the polling, the candidate's name at least must have been struck off from the list, even though arrangements had gone far. If the Government or the Returning Officer might give intimation to the polling officer that the candidate's name as already printed in the list might at least be struck off, the people would come to know that there was no one else. The result was that I had to spend a lot of money. I believe the other candidate also, although he said he had withdrawn, had to spend a lot of money not only in populous places but in out of the way places also where there was a chance of all sorts of corruption going on. I therefore very strongly support the Resolution and urge that some *via media* must be found out whereby, if there has been a withdrawal, there should be no polling at all.

Mr. Jagan Nath Aggarwal (Jullundur Division; Non-Muhammadan): Sir, a good deal of personal experience has been communicated to the House, and Honourable Members have relied on personal reminiscences more than legal arguments in support of this Resolution. Unfortunately, I have no personal experience to offer. My seat was contested and nobody was desiring to withdraw from the contest. Therefore, I can very seriously look at the legal aspect of the question involved in this proposition. The proposition before the House is shortly this. First of all, there is the nomination of candidates. Twenty-four hours after, there is the scrutiny of these nomination papers. After the scrutiny, there is a period of twenty-four hours allowed for withdrawals, which in lay language means that if a person withdraws within that period of 24 hours, he gets his deposit back. If he withdraws after that period and any time up to the date of polling, then he forfeits that deposit. Therefore it may so happen, as it did happen in the last election, that from the time up to which the withdrawal is permitted, up to the date of polling, there was an interval of 15 days or more. Then there are candidates in the field who would like to withdraw, but they will not withdraw because they would forfeit the deposit. Ordinarily we find there are a number of people who would like to have a run for their money and they are very serious as candidates, but for others this difficulty comes in. The question of forfeiting their deposit is dangling before their eyes, and so they remain in the field. A kind of mock election, so to speak, takes place. The real voting goes to one person and he might be quite sure of getting in. But here is the second candidate, also a third candidate and these people, though they are willing to withdraw, yet would not withdraw because they would forfeit their deposit; otherwise they would be keen on withdrawal.

Mr. K. Ahmed: Then why should they stand at all?

Mr. Jagan Nath Aggarwal: Perhaps my Honourable friend will be able to say why. Perhaps to make money or things of that kind. If there is a chance of making money, they would like to make money, *plus* Rs. 500 deposit which they first made. I quite appreciate the sentiments underlying the proposition of my Honourable friend, Mr. Ahmed. My Honourable friend thinks that blackmailers would be in the field, and his complaint is that there will be more attempts for making money. All the same I am not prepared to go the whole hog with my Honourable friend, Mr. Yamin Khan, that, right up to the date of election, quite up to the date of polling, a man should be at liberty to withdraw, for then the sum would be much larger. The unscrupulous man will have a large margin to make money by blackmailing. This period of 24 hours is much too short. We are thus left in this predicament. Within 24 hours, this man drops out from the contest. If not, the serious candidate is pestered, and the whole machinery of election is pestered. I can assure you, though not from my own personal experience, but from the experience of many others who have been in the field that not all of them were out for making money. It was not in the interest of anybody to have the election. So if this man withdrew seriously, say a few days before the election, say three or four days after the scrutiny, he would not put everybody to the trouble of having this farce of an election gone through. I would therefore submit that it is because this rule 11. (8) gives only a period of 24 hours after the scrutiny—the period is much too short an interval for between this period and the date of election there are at times several weeks elapsing—it is because of this that many people, who would otherwise like to drop out, cannot drop out from the contest.

Mr. K. Ahmed: Then why not move for an extension of 48 hours instead of 24?

Mr. Jagan Nath Aggarwal: My friend opposite is very meticulous in apportioning time. I am not so niggardly in that line. I will say that we may allow something like a week, unless of course the period of polling is very much shorter. As a reasonable period, something like a week may be allowed within which withdrawals may take place. At present this rule is liable to cause unnecessary inconvenience, and blackmailing is not prevented. I therefore support this Resolution.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Sir, I rise to endorse every word of Mr. Ahmad and I think he has put the position more clearly than the other side. Just as there is danger of anarchy being the order of the day if the British troops leave India today, corruption shall be the order of the day in the elections if we amend the rules in the manner Mr. Yamin Khan wants us to do. This year I fought three elections and I succeeded, and I have a good deal of experience in the matter. If we amend the rules in that manner, every Tom, Dick and Harry will stand and file his nomination paper, just depending on the chance of making some money out of the bargain and upto the very end the constituents will also be in a dilemma. The period of 24 hours is quite enough, because the time between the nominations and the scrutiny is also about two or three days, and the day of nominations is appointed about three weeks beforehand. So every person has sufficient time to make up his mind whether he is fit to stand, whether there is any chance for him in the election and whether he will be elected. In these circumstances, I think it is far better that the rules should stand as

[Sirdar Harbans Singh Brar.]

they are. I personally would like to have a rule that there should be no withdrawal and only those people should stand who have a mind to contest the election. Otherwise it will be making a farce of these things, and it will not be a good record for this Assembly to allow it. With these remarks, I beg to oppose the Resolution.

Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, with your kind permission, I would like to say a few words in support of this Resolution. This Resolution, though on the face of it, it appears to be simple, implies an important change in the Election Rules. As at present provided by rule 11 (8) of the Legislative Assembly Electoral Rules, only 24 hours are allowed to the candidate to withdraw himself. from the day appointed by the Local Government for the scrutiny of nominations. This Resolution takes away such limit of time. It dispenses with a good deal of trouble and waste of time and energy, which would otherwise be caused to the candidate who was very earnest in seeking his election to the Assembly. It also does away with a good deal of tactics and underhand dealings sometimes displayed by the candidate who wants to get the upper hand in the election, by putting his rival candidate or candidates in a delusion and under a false impression that he has withdrawn from the contest, while really in his heart of hearts he was trying to secure the seat in the Assembly for himself. The existing election rules are defective, inasmuch as a candidate may falsely give out to the public that he has withdrawn, by submitting his withdrawal of his candidature a little after the time specified for that purpose. The remaining candidate or candidates feel that there would be no actual polling for the candidate who has withdrawn beyond the formalities observed by the election rules. They consequently slacken their efforts, while the clever candidate who has technically withdrawn himself keeps a number of voters in reserve to take their rival candidate or candidates by surprise near the close of the polling. He thus secures a higher number of votes than his rival candidate or candidates. Thus, this candidate gets the seat without much effort. Such and other similar instances will amply prove that the present election rules are defective.

I do not see any reason why such a defective procedure should be adopted simply for the observance of technical formalities of the election rules, when the candidate has given out that he has really withdrawn himself. Further, I see no reason why the returning officers and other persons in charge of the polling should be put to any further trouble, when once the candidate has withdrawn. To quote my own instance, Rai Bahadur Triloki Nath Bhargava, who is at present a Member of this Assembly, wanted to contest the seat with me from the Lucknow Division. Later on he chose to represent another constituency. As he was late in submitting his withdrawal only by a few minutes, his application for withdrawal was rejected by the Returning Officer. To quote another instance of my province, of my friend, Mr. Rameshwar Prasad Bagla, the present Member. In spite of his avowed public declaration in the newspapers that he had really withdrawn in favour of Mr. Hoon, his rival candidate, the latter was put to a lot of trouble in organising the polls at various places in his large constituency. Such and other similar drawbacks exist in the present rule sought to be amended by the Mover of this Resolution.

I am no doubt conscious that a candidate, in order to harass his rival candidate or candidates, may up to the last moment persist in keeping his nomination if he is assured that he will get back his deposit. This drawback can easily be removed by carefully modifying rule 12 (2) so as to give him as little margin as possible for withdrawing his deposit.

Mr. Goswami M. R. Puri (Central Provinces: Landholders): Sir, I am not going to take much of your valuable time, but I rise to oppose the Resolution. My friend, Mr. Yamin Khan, has put before us various so-called drawbacks and he thinks that, if these are removed, things will be all right in future. But the period of 24 hours is not the only period which candidates are allowed. Nomination papers are submitted, and after that scrutiny takes place, generally after three or four days. Candidates have thus sufficient time to decide whether to make a serious contest or not, and in that case even this period of 24 hours is more than sufficient. We know that in certain constituencies there are more than five hundred polling stations and there is a likelihood of candidates being set up by different parties, in order to get some money from the rival party or parties; and every arrangement will have to be made for all this polling in case the rule is extended as desired by Mr. Yamin Khan. Then in the nick of time if a candidate withdraws, all the efforts of the other candidates and of the Government officers will be of no use. So I think it is no use passing this Resolution. The rules as they stand at present are all right and I strongly oppose the Resolution.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, in the first place I should like to congratulate my Honourable friend, the Mover of this Resolution, for having discarded the back door of nomination, and fought a successful election contest. (Applause.) But I regret to say that his experience has been singularly unfortunate on which he has our warm sympathy. Those of us on this side of the House who have had to do much with election contests have not, I am glad to say, had such experiences. But I must say that I am not very much impressed with the arguments which my friend has advanced in support of his Resolution. The gist of the rules as at present framed is this: that within the time fixed for the nomination of candidates, each candidate will have to deposit a sum of Rs. 500 along with his nomination paper. These nomination papers have got to be scrutinised on a particular day fixed by the Local Government, and any candidate wishing to withdraw must do so within 24 hours after the time fixed for the scrutiny. Any withdrawal after that day will be invalid in law, and the candidate so withdrawing will forfeit his deposit money. (*An Honourable Member*: "Not necessarily.") This I submit is a very wholesome check. A candidate who is in the field must definitely know at the earliest possible moment who are his rival candidates. It sometimes happens that bogus or—I will not say bogus—frivolous candidates sometimes stand. (*An Honourable Member*: "Why bogus'")? Because, Sir, they stand up in order sometimes to practise blackmail upon those who really want to contest, and later on they withdraw. Now within these 24 hours they have to make up their minds whether to remain in the field or not. If this period is extended, there is a greater chance of the door being left open for blackmail.

[Mr. Gaya Prasad Singh.]

The other argument advanced by my Honourable friend is this, that if a candidate is not allowed to withdraw after the time fixed under the law the expenses incurred by the Government in arranging for the election will go in vain. This argument, Sir, does not appear to be sound. Suppose a candidate withdraws one day before the date fixed for polling. The Government will have all the same to incur expenditure connected with the election. They would have already sent the various officers to the different polling stations. The expenses would have already been incurred and the time of the public officers will have been wasted. Therefore, Sir, the rule as it stands at present does not on the whole inflict any undue hardship upon the candidates. I quite agree with my Honourable friend, Lala J. N. Aggarwal, who suggested that this period of 24 hours might profitably be extended.

Mr. K. Ahmed: Profitably? (Laughter.)

Mr. Gaya Prasad Singh: I would therefore, Sir, with your permission, like to move a formal amendment.

Mr. President: As the general feeling of the House is already known, I do not think it is necessary to do so now. But if the Honourable Member insists upon it, he may please himself.

Mr. Gaya Prasad Singh: If the feeling of the House is that the question might wait pending the revision of the rules in connection with the constitutional reforms, it is all right. But if it is the desire of the House to extend this period of withdrawal beyond 24 hours, I shall be quite willing to move a specific amendment to that effect. In this view of the matter, I will move that in sub-rule (8) of rule 11 for the words "In the afternoon on the day succeeding that appointed by the Local Government for scrutiny of nominations," the following words be substituted: "Within three days"; and the Resolution may be amended on these lines.

Mr. Muhammad Yamin Khan: On a point of order. I think that at this stage my Honourable friend should not be allowed to move an amendment of this kind of which I, as the Mover of the Resolution, had no notice whatsoever, because my idea is absolutely different from the criticism coming from my Honourable friend, and I am ready to meet his arguments. He has not understood my Resolution at all.

Mr. President: Order, order. The Honourable Member knows that any Member might move an amendment at any time, and when that amendment is actually moved any Member may object on the ground that two days' clear notice has not been given of that amendment. It will then be for the President to decide whether he will allow the amendment or not. I should in the first place like to know what the amendment is. The Honourable Member will please put it down on paper and hand it over to me.

(Mr. Gaya Prasad Singh then handed over the amendment to Mr. President.)

Mr. Gaya Prasad Singh: Sir, my amendment is to substitute the words "within three days of the day of scrutiny" for the existing words. I should like to make my position clear. I do not want to press this amendment if the feeling of the House is against it.

Mr. President: I take it that the Honourable Member does not wish to press the amendment?

Mr. Gaya Prasad Singh: No, Sir; but I oppose the Resolution.

The Revd. J. C. Chatterjee (Nominated Non-official): I think that the Resolution moved by Mr. Yamin Khan has served two useful purposes. Firstly, it provided the House with an opportunity to listen to the speech of my Honourable friend, Mr. K. Ahmed. Sometimes when business is likely to get very serious or dull such an entertainment as he provides is of great value, and I congratulate my Honourable friend that he is giving up his old practice of putting long supplementary questions for that of making speeches, and I hope he will continue it. Secondly, it has also given the House an opportunity to hear in very dramatic language the tremendous pitfalls that befall those who seek not the backdoor of nomination, but force the front door of election. After hearing of the awful difficulties that beset my Honourable friend, Mr. K. Ahmed, in his constituency—I think he was speaking about his own—and the tons of money that it requires to get in by that way and all the various devices and snares that one has to meet, I think, after all, it may be easier to get in by the back door of nomination. (Laughter). At all events, Sir, the ghastly picture that he has painted of corruption and other malpractices will probably bring the situation before the public eye, before this House and to the attention of those who will be framing the new constitution before long. I trust that they may, in their wisdom, be able to take such steps as will put an end to these malpractices and make it easier for candidates to fight an election.

Now, Sir, I oppose the Resolution because I believe that the Honourable the Mover, in his speech demolished as it were his own case by advancing arguments which just went to show that the best course would be to allow the rules to remain as they are now. For instance, the Mover's chief inconvenience was that he had packed up his luggage, which I suppose must have been very large, and that he had gone to Meerut all the way from Agra, and he was hoping that since he was unopposed he could remain in Meerut without worrying about his constituency. Now, Sir, I am quite sure it is the duty of a prospective Member that he should be as much as possible within his own constituency and get familiar with his voters. My friend considered it a very great hardship that he could not enjoy the fleshpots of Meerut and that he had to hurry back to the dusty roads of Agra. I am sure, however, that his electors in Agra must have enjoyed seeing him a second time though he may not have liked it himself.

He next mentioned the very great hardship of the rural population of his constituency being brought down to the 125 polling stations. Never having sought election myself, I do not know how far a polling station is situated from the various villages, but I presume it must have been somewhere within ten or twenty miles from the voters place of residence. Now, Sir, democracy has its advantages, but every advantage must entail some

[The Revd. J. C. Chatterjee.]

responsibility. Moreover, it is all the more valuable if it is gained at some personal cost. It is well known that these rural electors are not very much in touch with either the Members they send up, or with their doings; and so if they are brought out once from the placid surroundings of their villages and taken to the polling booths, it not only gives them a little opportunity to see the larger world but also makes them feel that they are taking some part in the Government of their own country, and my Honourable friend as a public man ought to welcome that opportunity. It gave these people a feeling that they at least were connected with my Honourable friend, that they were sending him to the big House here and that they were doing something in the management and Government of their country. That is all for the good. If they had not been brought away from their places, if this unfortunate man—this candidate had withdrawn at the right moment—these people would never have come near a polling booth; and not being reading people, they would have known nothing about my friend or his doings here or the doings of this House. So I think it is all to the good and we should not worry about stopping the little outing of these village folk.

On the other hand, Sir, it seems to me in the picture given by my friend, Mr. K. Ahmed, that candidates should not be allowed to change their minds so often after they have once given in their names. But after all, Sir, if this particular gentleman had been allowed to withdraw after, not 24 but 36 hours, it is quite likely that he might have seen the folly of his ways and might have wanted to get in again; so, why deprive the poor fellow of the privilege of changing his mind a second time? At all events, the argument brought up by my friend, Mr. Yamin Khan, does not at all impress one; this change would interfere with the whole scheme of election rules.

Mr. Muhammad Yamin Khan: That is why they do not appeal to you.

The Revd. J. C. Chatterjee: Quite right; they do not appeal to me. It seems to me that the best thing would be to leave things as they are.

Finally, Sir, when we are going to have a new constitution, the whole question is bound to be gone into thoroughly. Where is the need of considering it at this eleventh hour and proposing such a Resolution? I think if the Honourable Mover possesses his soul in patience, by the time the new constitution is framed and comes into action, he may have rules which will be to his satisfaction when he stands again.

Mr. K. Ahmed: So you oppose the Resolution? Say so.

The Revd. J. C. Chatterjee: Yes, I have said so to begin with.

The Honourable Sir James Crerar (Home Member): Mr. President, I think that I shall not be incorrect in saying that the inconveniences and annoyances which the Honourable the Mover of this Resolution and some other Honourable Members have detailed to the House have been listened to with a very large measure of attention and sympathy. I hope that none of those gentlemen who have spoken on behalf of the Resolution will attribute to me on my part any lack of sympathy with their troubles on the ground that I do not deal with the Resolution either in very great

detail or at any considerable length. I think that two things have become apparent in the course of the debate: firstly, that there was a very genuine appreciation that the rules in some cases might operate with undue hardship in single or isolated instances. I think that was appreciated. But I think it was also appreciated that the whole body of our electoral rules constitute a very complex piece of machinery and that it may be that, if you make adjustments adapted solely and singly to one particular set of circumstances, which after all, to the best of my knowledge, was not one of very general experience; if you start making adjustments in this very complicated piece of machinery with a view to meet particular inconveniences, you may create disturbances in other directions which may be of an even more serious character. Something of that nature has at any rate been intimated to the House by some Honourable Members, who have spoken and who have not been able to agree to the fullest extent with the Honourable the Mover of the Resolution. I must point out that the rules themselves are very faithfully copied from the corresponding electoral rules in the United Kingdom, which have been framed in the light of the longest experience of parliamentary institutions that is on record in any country in the world, and therefore if we should precipitately depart in any important particular from those models, I think that this House and the Government ought to be very fully convinced that they are on perfectly sound ground in doing so.

Now, Sir, when I say so much, I do not intend either to criticise or indeed to express any definite dissent from the particular remedy which has been proposed by Mr. Yamin Khan. Other Honourable Members, who have spoken later, have suggested some other possible ways of meeting the particular inconveniences which the Honourable Member and those who think with him have proposed; and I certainly do see myself that to allow withdrawal entirely at the discretion of a candidate, whether he is a serious candidate or a candidate of a character which can be described as not serious, you may set up very serious inconveniences of a totally different character. It may be that the problem can best be attacked by considering whether some moderate extension of the period, as tentatively proposed by the Honourable and learned gentleman opposite might not be considered. We might consider further the particular question of the intervention of court holidays between the time of nomination the time of the scrutiny and the possible time for the withdrawal of a candidate—that is another aspect of the question which might be explored. I do not think however that it is necessary for me to go into the matter in very much greater detail, because I think that my Honourable and learned friend, Mr. Yamin Khan, himself recognised, in the closing words of his speech, that the present was not after all a very opportune time to ask the House or the Government to commit themselves to definite and detailed decisions on a question of this kind.

He recognised, as I think the House will generally recognise, that, with the constitutional changes now impending, this is hardly an opportune moment for undertaking an amendment of this kind.

Mr. B. Das: Quite so.

The Honourable Sir James Crerar: It is inevitable that, in consequence of the constitutional changes to which I have referred, the whole question

[Sir James Crerar.]

of the electoral rules merely as an incident of the much greater changes, must necessarily come under review, and this question is one which might properly at that stage come under review. My Honourable and learned friend did indeed intimate that his immediate purpose would be served if he had an opportunity to explain to the House and to the Government how, in his own particular case, the rule had, as he considered it, operated with hardship, on himself and not only on himself, but on every one concerned with the election arrangements, including the officers and voters in the constituency. It was his desire that the inconveniences which he pointed out should remain on record so that they could, in due course, and in due season, be properly examined. If that would satisfy the Honourable Member, in accordance with the general wishes of the House, I am very glad indeed to give the Honourable and learned gentleman the assurance that when these rules do come up for review, the particular aspects of the question that have been dealt with in the debate today will receive the most careful consideration. Consequently our position is that, though

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Government could not, by accepting this Resolution or any specific amendment to it, commit themselves to the precise content of the Resolution, or to any such amendment, they are perfectly prepared to assure him—and that I think is the Honourable gentleman's main object—that this matter will remain on record, and that in due season and at the proper time it will be carefully and duly considered.

Mr. Muhammad Yamin Khan: Sir, I wish to make a few observations about certain matters to which reference has been made by certain speakers. I am sorry, Sir, that the exact significance of my Resolution had not been properly understood by certain Honourable gentlemen when they offered certain suggestions in the course of their speeches. When my Honourable friends, Mr. K. Ahmed and Sirdar Harbans Singh, opposed my Resolution, their principal idea was that no bogus people should come up in a constituency as candidates in order to extract money from the general candidates, and they considered that 24 hours' time was sufficient for any one to withdraw his candidature. There are two things, Sir, here, and that is the withdrawal of candidature and returning of the security money. The security money may not be returned, and I have got no quarrel about it. I have not suggested in my Resolution that the money should be returned to a candidate who withdraws his candidature after 24 hours; this has not been my desire at all. I think even if you give an extension of a few days more, that will not matter much. But what I suggested was that if a candidate withdraws his candidature *he should not be allowed to poll in his own favour*. My friends, Mr. K. Ahmed and Sirdar Harbans Singh, thought that my idea was that the candidate should be allowed to have his security money up to the date of the election. This was never my idea. . . .

Mr. K. Ahmed: I did not say anything about that.

Mr. Muhammad Yamin Khan: This is defeating the very object of my Honourable friends if these rules remain in force. They think that no bogus person should remain in the constituency in order to extract money. But that is the very thing that is happening under the present rules, because if you do not allow a man to withdraw effectively or you even allow up to the date of the election the bogus man to record votes in his favour, he can go on asking the people to come to terms and pay as such amount

as he will demand. I wanted to stop this inalpractice, and once there is withdrawal by a candidate, whether within the prescribed time or after it, *he should not be allowed to poll*. Of course, rule 11(8) is quite clear. It says:

"A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal or to be re-nominated for the same election".

This is quite in order, but what is the thing that actually takes place? Withdrawal is not effective if it is not within a certain time. That leaves a loophole for the bogus man who has not withdrawn within 24 hours to remain in the field and harass the people who are genuine candidates in that constituency. My Honourable friend's object can never be served by these rules remaining as they are.

I should now like to refer to a small point which was raised by my Honourable friend, Mr. Gaya Prasad Singh. He thought that I was pleading for the security money being returned to the candidate. I do not wish that any security money should be returned beyond the prescribed time but what I want is this. As I have made it clear, there should be no poll taking; if once a candidate withdraws, he should be completely left out of account for all purposes, whether it is within 24 hours before the election or after the scrutiny. His name should be expunged from the papers, and if a vote is to be taken at all, it should be in favour of a man who has not withdrawn his candidature

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): How can you take a vote for an uncontested election?

Mr. Muhammad Yamin Khan: These are the things which I thought were necessary to remedy the present difficulties. But, Sir, in view of the speech made by the Honourable the Home Member undertaking to see that this matter shall remain on record and that in due season and at the proper time it shall be carefully considered, I do not wish to press my Resolution. My object has been gained by the undertaking given by the Honourable the Home Member, and I would therefore ask the leave of the House to withdraw my Resolution.

Mr. President: The question is that leave be given to Mr. Yamin Khan to withdraw the Resolution that stands in his name.

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

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

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

RESOLUTION RE THE ROUND TABLE CONFERENCE.

Mr. K. C. Roy (Nominated Non-Official): Sir, I beg to move the following Resolution standing in my name:

"This Assembly recommends to the Governor General in Council that he may be pleased to place on the table of the House papers connected with the Round Table Conference".

[Mr. K. C. Roy.]

I have put forward this simple formula, common in all parliamentary countries, to elicit a debate on the Round Table Conference. Honourable Members are aware that this was the practice which was only recently followed in the House of Commons. That, Sir, is not my only excuse. I have got a bigger and a far larger plea. That plea is that the very conception of the Round Table Conference belongs to the Legislative Assembly of India. Its realisation belongs to the Governor General in Council and to His Majesty's Government. We owe a great debt of gratitude to the Viceroy of India for the memorable tour that he made in 1929 to the British Isles, when he conferred with the British Government then in power, with the British politicians, and with various other British interests in order to bring to fruition the suggestion made in this House in 1924.

I wish to take the House through the transactions of the Assembly in 1924. It was my Honourable friend, Diwan Bahadur T. Rangachariar, whose sudden indisposition has taken him to Madras, who raised the question of Dominion Status for India. The question of Dominion Status for India was instantly taken up by all India, not only by moderate minded politicians, not only by Moslem and Hindu public bodies, but also by the great Indian National Congress. What happened in that year is a matter of history. In that discussion many notable personages took part, some of whom are absent today, but among those who were on the stage then were my Honourable friends, Diwan Bahadur T. Rangachariar, Sir Malcolm Hailey and Pandit Motilal Nehru, who I am sorry to say is now stricken with illness and is now on his sick bed, and for whom we all pray for his early recovery.

What was the demand in those days? The demand was for the grant of Dominion Status and provincial autonomy and that a Round Table Conference should be held for that purpose. We had in those days a gentleman of great ability and of good parliamentary bearing, and an astute administrator, I mean, Sir Malcolm Hailey. He was the Leader of the House, and I have very rarely seen a man of his calibre and capacity in this or in any other country. Sir, he drew a fine distinction between responsible government and Dominion Status. I wish to find out today where is that distinction. That distinction has been completely wiped out by the findings of the Round Table Conference and the Premier's pronouncements, agreed to by the British Government and by the British public opinion. That fine distinction has ceased to exist. Then what did Pandit Motilal Nehru want? He said in no unmistakeable terms that the Congress wanted one thing, that is, self-government. Call it Dominion Status, call it by any other name, but he assured the House in 1924 that the Congress was not going to rest until that had been achieved. Sir, I am quoting from memory. Then he proceeded to say, "I do not want Dominion Status to be tied up in a bundle and given over to us". But he claimed that India was fit to shoulder the burden and they were prepared to take up that burden. What is the position today? Dominion Status has been tied up in a bundle and given to us. It will be for this House today to discuss that vital question and give an answer which this representative Assembly alone is in a position to give.

Sir, the Round Table Conference has laid a special responsibility on this House. That responsibility belongs to us because the conception of the Round Table Conference was ours. Now, Sir, look back only

six weeks ago. The Round Table Conference will be remembered in history as one of the greatest achievements of 1930. It was a great event. It was opened by His Majesty the King. His Majesty has evinced once more the deep and abiding interest which the Royal House of Windsor has taken in Indian affairs since the reign of Her Majesty Queen Victoria. I hope and pray that the Royal House will continue to take that abiding and enduring interest in the Indian Empire. The Conference was presided over by no less a man than Mr. Ramsay MacDonald, of world-wide reputation and the British Premier. The various parties in the British Parliament made it a point to send their choicest delegates, whose names are known all over the world. They had Lord Reading, an *ex-Viceroy* of India, who made a name for himself not only in this country but on the American continent. Then they had Lord Peel, who was for many years Secretary of State for India. They had Lord Lothian, who as Philip Henry Kerr did yeoman service during the Great War and who has proved himself a great friend of the Indian public and Indian public sentiments. These are among the men who constituted the British Delegation. Then who were our delegates? They were men who have left their names not only in administration, but in the annals of our country. Every one of them has a record of service of which we are proud. They have rendered an account of themselves of which any country ought to be proud, and we are proud of their achievements. We are proud of the fruits that they have earned in the Round Table Conference. We rejoice at their coming back to India, and when they come back we shall have the amplest opportunity to examine what they have brought. In the meantime, we shall not sit idle. What I feel is that we should not sit idle, but we must examine the findings of the Round Table Conference. We must examine the transactions as far as they are published in the Press, and consider what we have achieved. No doubt, all the papers are not available today, but a good deal has been published in the public print. We know the famous declaration which Mr. Ramsay MacDonald has made on behalf of His Majesty's Government, and we know the discussion that took place in the House of Commons two or three days ago. They give us sufficient material to produce an effective discussion in this House. The discussion may yield results; it may not yield results, but I have no doubt that it will find an echo not only in the hearts of men all over India, but also among people who are deeply interested in the transactions of the Round Table Conference. I know the limitations which I am going to place on this House. I know the difficulties of Members, but I appeal to them that they must make their voice heard not only here but also in England where they are at the present time busy with the consideration of Indian problems.

Now, Sir, what is the achievement of the Round Table Conference? Let me put it as briefly as I can before this House. I consider provincial autonomy as a settled fact. Provincial autonomy has come to stay. It was recommended not only by the Simon Commission but by the Governor General in Council and accepted by His Majesty's Government. There is no controversy; there can be no controversy about provincial autonomy. Our Indian Ministers, who functioned under the Montagu-Chelmsford Reforms, did yeoman service to their provinces; we are proud of their achievements. Some people might say that dyarchy has failed. Theoretically and technically it might have failed, but our Ministers produced wonderful results. They had their limitations; they had their difficulties;

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but the services which they rendered to India under the Montagu-Chelmsford Reforms will always be remembered as the beginning of a new era of constitutional development.

Next, Sir, responsibility at the centre has been agreed to. But it is made conditional on the formation of a Federal India. Federation is by no means a new idea. It is a thing with which we have long been familiar in the British Commonwealth. There is federation in Australia, in South Africa and in Canada. Before the War, there was a federation in Germany and in the United States there is still federation today. We have a lot of lessons to learn from them, and I hope we shall learn them to advantage. I welcome the idea of federation, but to make responsible government contingent on federation was an unwise decision. I have no doubt federation is coming. From the data I have in my possession, I know that a number of Indian States will come in and join the Federation. I am not a pessimist. I look forward to federation, but the contingent grant of responsible government on the basis of federation was a mistake which the Round Table Conference made, for which they will be held responsible.

Now, Sir, we have got responsibility in the centre. Now, what is the next thing that we have got? We have got a scheme of Dominion Status. What did the British Prime Minister say? He said that India will get the status of a Dominion in the British Commonwealth of Nations. If that is not a declaration of the grant of Dominion Status, what else is it? I know, and most of my friends on the other side know, that India will accept no other status than Dominion Status. No secondary status will suit us or will do for us. We can have no other status but Dominion Status. I had very close and intimate connection with the representatives of the Colonies. I saw hundreds of them during my last visit to the Imperial Press Conference and I found that the only solution for India is the establishment of responsible government and the immediate grant of Dominion Status. I claim, Sir, thanks to the judicious and statesmanlike policy of His Excellency the Viceroy, that consummation has been fairly achieved, or is very near achievement. Now, Sir, these are the primary results of the first session of the Round Table Conference, results of which the British Government may be legitimately proud and the Government of India may be legitimately proud. We, Members of this House, are very justly proud of the achievements of our countrymen and those of the British delegates who participated in the Round Table Conference.

Now, Sir, much has been said about guarantees and safeguards. From my little experience as a Member of this House, I believe very little in guarantees and safeguards. When I was in England in connection with the Montagu-Chelmsford Reforms, there were talks about guarantees and safeguards, and in fact the Government of India Act bristles with safeguards and guarantees. Have we respected them? It was understood that the Army was going to be the holiest of the holies. It was not even to be spoken of in whispers in this House. What has happened in connection with the Army? Beginning from the Commander-in-Chief, the Imperial General Staff, down to the humblest tommy or sepoy, we have discussed army affairs threadbare on the floor of this House and nobody was a bigger exponent of army affairs than my Honourable friend Mr. Jinnah, or Sir Hari Singh Gour and others. Did we respect the limitations provided against us in the Government of India Act? I am sure, Sir, we did not.

It is no use our making much of the safeguards and the guarantees. For myself, I have no faith in them. Time will wipe them away. Now, Sir, take the guarantees first. What are the guarantees? The Governor General is to be given exceptional powers. These exceptional powers are provided for in all constitutional enactments and all constitutional histories. If there is a breakdown in the constitution of India today, is the Government going to cease to exist? Can India by a magic wand be transformed into a Soviet system of administration? In almost all countries the Governor General and the Crown have exceptional powers. I see no objection to that. What are the exceptional powers that the Governor General will have? The Governor General has powers about the Army, with which I shall deal later. He shall have power about external relations. Why should we worry ourselves about it? Have we any external relations? None at present. We have internal political relations. Our external political relations are carried on by the British Foreign Office. It is a part of the British constitution. Even in the Dominions, foreign and political affairs are dealt with by the British Foreign Office. We have some tribes on our frontier practically, in the no man's land, and there the Governor General can declare peace or war. Have we any objection to give the Governor General powers in that respect? I find no mention of the retention of the Governor General's power to make war or peace. Neither the Prime Minister nor any of the other speakers have alluded to it, but I hope and trust that that power will be retained. We do not wish to be told by a body 5,000 miles away whether there is to be a small expedition in Waziristan. We are on the spot here to advise the Governor General, and it is a purely domestic problem. So is our relation with the Indian States. When the federation is duly constituted, to which most of the leading Indian Princes have already given their assent, the problem will solve itself. The Governor General should have power to intervene in moments of emergency, in cases of questions of succession, inter-State disputes, and so on. As we develop our democracy in this House, as we develop our constitutional system, the Governor General will be slow to exercise his rights. Therefore, Sir, I welcome the advent of Lord Willingdon. He is coming to us with great Colonial and Dominion traditions. In him, we have a Governor General who will use his power with circumspection and justice.

Now, Sir, as regards the Army, the Governor General is to be given powers over the Army. Well, that is a very complicated question. Defence will be beyond the domain of the Federal Legislature. If that is the decision of His Majesty's Government, I regret it but at the same time, I do not demur to it. In the transitional stages of colonial development, in countries like New Zealand, Australia, in fact wherever there has been a period of transition, the Crown has held the responsibility for the Army, but from the proposition as it has been presented to us by the Press reports and by the pronouncements of Mr. Ramsay MacDonald, I fear there may be isolation of the civil government from the military. That should not be. It has been my life-long conviction that the civil government and the military government in India should go forward hand in hand, with progress on both sides. How are you going to co-ordinate the defence of the country with the civil administration? I have a suggestion to offer. I believe there must be a Minister of Defence, be he an Indian or an Englishman. He must sit in this House. He must be in constant consultation with the Ministers who will be responsible for the civil government. I think the time has come when we must establish, once for all, what my

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friend, Sir Sivaswami Aiyar, called the supremacy of the civil authority over the Army. That consummation must be reached now. There must be a Defence Minister. On that there will be no difference of opinion. If you wish to secure a proper co-ordination between the civil and the military government, you will have to go a step forward. We must have a statutory Army Council. That must not be created by an Act of the British Parliament. It must be created by an enactment of this House. That Army Council should be 50 per cent. British and 50 per cent. Indian in composition. As time goes on, they will be able to formulate a national policy of defence, and when the transition period is over, the British Government will be able safely to hand over the Army and the defence of the country to the nationals of this country. That is a consummation which I wish for and which the majority of my countrymen welcome. Then, Sir, there comes the question of funds for the Army. There I feel no hesitation; surely, my countrymen will not hesitate to take a very long view. They are not going to reduce the Army by fifty per cent. at once; they are not going to Indianize the Army by magic; they will certainly mark time; they will certainly go slow; and they will certainly put the interests of the country first and foremost. I do not entertain any doubt at all that the defence of the country against foreign aggression will be properly looked after by my countrymen.

Sir, what is the next safeguard? It is about finance. I am sorry that our Finance Member is not in his place today. I know he is very busy about this time of the year with his Budget, but I should have liked to see him in his place and had him listen to us. Sir, I have no fear about the safeguard regarding finance. No honest Indian will disown an honourable debt. An honourable debt will always be liquidated. How do we stand now? We have got our productive public debt and unproductive public debt. We incurred enormous expense years ago in connection with the Abyssinian campaign, in the Sudan, Burma and in many other places. It is of course a question to be examined, but I feel, Sir, whatever my friends who belong to the extreme school of political thought might say, no honest Indian will disown an honourable debt. I have no fear on that score. It is an essential feature of the constitution to enable the Secretary of State to fulfil his obligations. I have no fear about that, and we should not assume that there is a bone of contention here because we know that whatever public debts are lawfully incurred by the Government for the time being they will be honoured. Now, Sir, a good deal of criticism has been levelled at us as if the credit of the country would be absolutely gone if we had the control of the purse. Sir, I have seen financiers, even Indian financiers at work, and I think we have one of the ablest of Finance Ministers for many years, but what is the position of Indian credit today? For political and other reasons, Indian credit is at the lowest possible ebb. Sir, I have no fear that any Indian with a sense of responsibility to the Federal Legislature of the country will not fail to realize his great obligation in respect of the credit of the country, and will not fail to take every possible step to keep it high. Much has been said, Sir, about the institution of a Reserve Bank. My Honourable friend, Mr. Arthur Moore, two days ago said that it was a condition precedent to the establishment of responsible government in this country. Well, I did not find it anywhere said that it was to be a condition precedent to the introduction of responsible government. I have read the Prime Minister's speech . . .

Mr. Arthur Moore (Bengal: European): It is in Lord Reading's speech.

Mr. K. C. Roy: I must say Lord Reading was not speaking for the British Government but was expressing his own views. (Laughter.) Sir, we are all in favour of the institution of a Reserve Bank. Many of my friends, Mr. Shanmukham Chetty and others, will do their best to create a Reserve Bank and to ask the Assembly to bring it into being (Hear, hear); and we are going to give effect to that; we have no quarrel whatever on that score; the Reserve Bank Bill must come. Sir, I was talking to a few economists who visited India the other day, and they are all in favour of a Reserve Bank. Sir, we are all in favour of a Reserve Bank here. We want to see a Reserve Bank function from next year. But, Sir, there is one point on which I should like to be absolutely clear, and that is that the Reserve Bank must not be a part of the parliamentary enactment; it must be created by statute of this Legislature. We do not wish that the Reserve Bank conditions should be governed by any political considerations, but should only be governed by commercial, financial and economic considerations. (Hear, hear.) Sir, I yield to none in wanting a Reserve Bank: and if my Honourable friend, Sir George Schuster, will bring in a Bill towards the end of the Session, I think this House will give him all support.

Now, Sir, much uneasiness has been felt in England about the pay and pensions of officers and all those things. Sir, I can contemplate no other period where you will want the best officers, above all corruption, capable men who will not be liable to inducement. In no time, Sir, shall we want a better sort of men than we shall want for the transition period; and here, Sir, I want to say a few words about the Indian Civil Service, many of whom I have known for at least 30 years. Sir, they have done their best. Sir, it is they who have produced an Indian nation, and we have no quarrel with them here now (*An Honourable Member*: "Question.") Sir, on many points I do not agree with them; perhaps on a hundred points which arise, I do not agree with them on fifty but I know what they mean. They will go a long way with us: and, Sir, when in the years to come we have a federal constitution for India and a Federal Parliament and when we really have public life divorced from pure administration our public servants in India will receive a most honourable place in Indian history and in Indian tradition. Sir, it is a stigma on us that after 150 years of British rule British literature and British tradition, we are still divided into small religious communities. To me, Sir, the thing is incomprehensible. I would propose personally to give Muhammadans and Christians and the other minority communities all they want. Let them feel secure in religious worship and in everything else, and let them come forward and join the great national movement which is really to create a democracy of all communities. It is a matter of negotiation, it is a matter of treaty. Sir, the other day the Prime Minister said that he could not solve the Punjab question because of a difference in regard to one seat. I hope, Sir, the question will be reopened; and if there is one man in India who can solve this communal question, it is His Excellency the Viceroy. Sir, shortly after he assumed office, Lord Irwin took up this matter, but for some reasons or other it was temporarily dropped. If, however, our countrymen, when they come back from England, meet together under His Excellency the Viceroy, as they did the other day

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under Mr. Ramsay MacDonald, there will result a solution of our communal troubles. Sir, the moment the communal trouble is settled, there will be peace all round and no nervousness about safeguards on either side.

Now, Sir, I come to what we have so far achieved as a result of the Round Table Conference; and if I refer to it in any great detail, I hope the Treasury Members will not understand that I mean any reflection on them. I know they have had very hard and trying times. I know they have accepted many things which, left to themselves they would not have done. I want the House to conceive for one moment of the several responsible Ministers sitting on the Treasury Benches. What will be the position in the future? A responsible Home Member bringing in so many repressive laws will have to reckon with his constituency, with his own country, and with the world at large. He will have to discharge his responsibility to his own country. Contrast that with the present position, where the Home Member is responsible solely to an authority thousands of miles away. I do not wish to enlarge on this aspect. Now I want you to take into consideration the position of the responsible Minister in charge of Labour and Industries. He will not in future have to go to the Secretary of State for India, if there happens to be one, for the revision of the Stores rules; he will revise them here in consonance with the wishes of the Federal Assembly, and he will give effect to them. The responsible Minister in charge of Education, Health and Lands, dealing with our overseas problem will not have to go to the Colonial Office, he will not have to go to the British Government, he will have to deal with these questions himself on the spot. Really, Sir, the scheme outlined by the British Premier will revolutionise the whole system of our administration.

Sir, I have delayed the House longer than I had expected, much longer than I really wanted. But, Sir, the scheme is so

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big, the scheme is so vast that it cannot be disposed of in a few sentences. I feel, Sir, the position bristles with difficulties. Are we going to have a sovereign Parliament in the sense that is understood in most of the countries where there are sovereign Parliaments, such as Canada, Australia and New Zealand? Or are we going to have a subordinate Parliament? So long as we have a sovereign Parliament in the domain of our civil affairs during the transitory period, we ought to be satisfied. It is a question whether we are going to have a sovereign Parliament. But it is also a question for constitutional lawyers like my Honourable friends, Sir Abdur Rahim and Sir Hari Singh Gour, to settle. But I believe, Sir, we are going to have ample freedom, full freedom in the domain of our civil affairs subject to very minor temporary restrictions. If that is so, what is our response to the gestures of the British Premier. My own view is, humble as I am, that I should go out and take the olive branch held out to us by the Prime Minister. We should take what they have given us and build on it and thus make India the envy and pride of all nations. We have men, money and munitions. We can make ourselves felt and India put on the basis of a Dominion, protected by her own armies, her public services manned by her own sons, will be the biggest factor in the history of the world and it will be an example which Britain has shown, which will be almost without parallel in the

history of the world. I ask you, Sir and the House to consider my harmless Resolution (Applause).

Mr. President: Honourable Members are aware that notice of several amendments has been received. I have given the best consideration to all these amendments and it appears to me that most of them are out of order having regard to Standing Order No. 33(1). If any Honourable Member wishes to address the Chair on the subject of relevancy, I will give him an opportunity before I give my ruling.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I have not the slightest doubt that your decision is strictly correct, but the fact is that my Honourable friend Mr. Roy's Resolution embodies a great deal more than appears upon its surface. It is only a technical way of raising a discussion, that is calling for papers, as Mr. Roy himself pointed out. If you give that consideration to the Resolution as moved by Mr. Roy, then I submit that all these amendments would be in order, because they deal with the same subject which has been the subject of recent decision by the Round Table Conference. At the same time, Sir, while taking that view, I may venture to submit—and I think some of my Honourable friends agree with me—that to-day seems to be singularly inopportune for the discussion of the conclusions of the Round Table Conference. Speaking for myself, I am not in possession of the authentic record which embodies the conclusions of that Conference. I questioned the Honourable the Leader of the House the other day, and we have been assured that the White Paper or the Blue Book as it is now called, would be available to us at the earliest moment possible. Then, Sir, I would ask, as I have asked before, the Honourable the Leader of the House to allot to us a day when we shall be able to give our considered judgment upon those conclusions of the Round Table Conference. That, Sir, is the position, and if the Honourable the Leader of the House will assure us that he will give us facilities, first by giving us at any rate a summary of the conclusions if not the White Paper which was presented to the House of Commons, and secondly, allot us a day for the discussion of the decision of the Round Table Conference, then our work at any rate for to-day would be greatly shortened.

Mian Muhammad Shah Nawaz (West Central Punjab: Muhammadan): The Honourable Member has already moved his Resolution.

Mr. B. Das (Orissa Division: Non-Muhammadan): The amendment which I have given notice of is in order.

Mr. President: I will take each amendment in turn. I wanted general views to be expressed on all amendments because most of them are framed in a manner which appears to me as being beyond the Standing Order to which I have drawn attention. I wanted to hear your views. Let us now take each amendment in its turn. Diwan Bahadur Rangachariar has given notice of an elaborate amendment.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, before you invite the Movers of the various amendments to show how those amendments are in order, and before you give your ruling, may I suggest, for the purpose of expediting our work and for the convenience of this House, that we might pursue in the first instance the suggestion thrown out by my Honourable

[Mr. R. K. Shanmukham Chetty.]

friend on my left. As has been pointed out by the Mover of the Resolution and also by my Honourable friend, Sir Hari Singh Gour, my Honourable friend Mr. Roy has tabled a technical motion which is well known in parliamentary parlance. It is open to this House, to have a comprehensive discussion on the various issues arising out of the Round Table Conference. But I would submit both to the Government and to my Honourable colleagues on this side, that at this stage the House will not be in a position to deal with the subject in a comprehensive manner for the simple reason that, beyond what appeared in the newspapers, we are not in possession of those documents with which alone we can contribute usefully to the discussion. I would therefore suggest that the Honourable the Leader of the House might inform us as to what he feels on the matter. If my Honourable friend, the Leader of the House, or my Honourable friend the Home Member will give us an assurance that, as soon as papers are available, they will be placed on the table of the House and made available to the Members, and that the Government, with your permission, will give us a day for a full-dress debate on the various issues arising from the decisions of the Round Table Conference, then I would venture respectfully to advise my Honourable friends on this side of the House to postpone the discussion for the present and have a full-dress debate at a later date. So, Sir, before you actually take up the various amendments and decide upon the procedure, I would invite the Honourable the Leader of the House to give his opinion on these suggestions.

Mr. B. Das: I think Mr. Roy's Resolution does not complete the picture without the amendment which I have brought forward.

Mr. President: I will deal with that amendment at the proper time. Two Honourable Members have asked for an expression of opinion from the Leader of the House. I should like to know whether he desires to comply with their request.

The Honourable Sir George Rainy (Leader of the House): I can promise that whatever papers constitute the record of the Round Table Conference will be laid upon the table of the House as soon as we are in possession of them and have had time to reprint them. It has been ascertained that if they were sent out in bulk from England by sea, it would take longer than if we get copies by air mail, and reprint. We are getting one consignment on the 2nd February and another consignment on the 9th February. There must be some short time after this, before the printing can be done. I think I have said in answer to my Honourable friend Sir Hari Singh Gour's short notice question, that if it is the general desire of the House, Government would certainly do all in their power to meet it. If the general desire is another day for discussion, I think, I can promise, Sir, that Government will find a day.

Sir Hari Singh Gour: May I ask the Honourable the Leader of the House whether from the discussion that has taken place to-day and is taking place now, he would consider that there is a general desire on the

part of the House to discuss the decisions contained in the White Paper? If the Honourable Member will definitely promise us a day, we on this side, as my Honourable friend Mr. Chetty has assured the House, would like to curtail the discussion upon this motion.

The Honourable Sir George Rainy: I am prepared to say that I should think it very strange if, after the papers are laid there is not a general desire for discussion. (Laughter.)

Mr. President: That simplifies the procedure, and I take it that it is your pleasure that I should not go into details in dealing with the amendments.

Mr. B. Das: May I inquire if papers will be laid about what I ask for, namely, a general amnesty?

Mr. President: I cannot permit any further detailed discussion on this matter when the assurance has been given that all papers will be laid on the table.

The Honourable Sir George Rainy: I said all papers constituting the record of the Round Table Conference.

Mr. President: Yes, all the papers in connection with the Round Table Conference, which is the subject matter of the Resolution now before the House, will be made available to Honourable Members. The assurance cannot go beyond that.

Sir Hari Singh Gour: And a day will be given for discussion.

Mr. President: Yes.

The Honourable Sir George Rainy: Sir, may I add one word to what I have already said? I cannot say when the date will be, and if it is impossible to lay the papers before the commencement of the Budget discussions there may be difficulties as to whether we can fit it in before the conclusion of the Budget sittings. I only say that as a warning lest any one should feel afterwards that I had not dealt frankly with the House.

Sir Hari Singh Gour: I wish to point out in connection with what has fallen from the Honourable the Leader of the House that immediately after the Budget discussions close there is a general stampede in this House and Members disappear. I would therefore ask the Honourable the Leader of the House to fix an earlier date, if possible next month.

Mr. President: The earliest possible date is the only assurance which can be given.

Sir Hari Singh Gour: If a date is given towards the fag-end of the Session, it will be very difficult for the Members to remain here.

Mr. B. Das: Why do you shirk responsibility now?

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, will the Honourable the Leader of the House be pleased to state, especially because of the fact that when the views of Parliament and the public in Great Britain and also in India are being expressed on this identical question, if he will seek the earliest possible opportunity of giving us a day?

Mr. President: That is the assurance.

The Honourable Sir George Rainy: I am quite prepared to say that. But the question is, when the papers will be ready to be placed on the table. The dates of the Budget have already been fixed, but I am fully sensible of the desire of the Honourable Members opposite to have the earliest possible day and I will do my best.

Mr. President: Then I take it that it is the general desire of the House that I need not proceed further in dealing with the question as to whether the amendments are in order or not. (*Honourable Members:* "Yes".) The discussion on the motion will now proceed.

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): Sir, I am very thankful to you for giving me an opportunity to discuss the Round Table Conference. This Round Table Conference should, as a matter of fact have been held seven years ago, when Members of the Swaraj Party and the Independent Party joined together and passed a Resolution in this House. During these seven years which have passed since then there has unfortunately been in India a good deal of repression, and abnormal laws have been passed in the country. We have had Ordinances; and all these things have embittered the feelings of the people. During the last year, since Mahatma Gandhi started his non-violent campaign, nearly 60,000 people have been imprisoned, including women and children.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, on a point of order. Are we listening to arguments on the Resolution which has been adjourned or on the Resolution which the Honourable Member was to move?

Mr. President: The Resolution has not been postponed because there has been no motion to that effect.

Sir Hari Singh Gour: Sir, I understood that after the assurance given by the Honourable the Leader of the House, it was the intention of Honourable Members on this side of the House that the discussion on the motion should be postponed. I therefore formally move an adjournment of the discussion.

Mr. Muhammad Yamin Khan: Sir, the Honourable the Leader of the House has given an assurance that the papers about the Round Table Conference will be laid on the table and you have decided that the discussion will proceed then. The Resolution moved by Mr. K. C. Roy is nothing beyond that. I do not see then why the House should waste its time now.

Mr. President: Honourable Members will remember that this assurance requires to be confirmed by a vote on the Resolution before the House. The best procedure would be either to postpone its consideration or allow it to be put to the vote and declared carried. Either of these two ways would meet the situation. I cannot without a vote of the House, make a declaration as to the decision of the House.

Sir Hugh Cocke (Bombay: European): Sir, on that point I move that the question be now put.

The motion was adopted.

Mr. President: The question is :

"This Assembly recommends to the Governor General in Council that he may be pleased to place on the table of the House papers connected with the Round Table Conference."

The motion was adopted.

RESOLUTION RE POLICY OF REPRESSION.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan): Sir, I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council the immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy."

Sir, after the announcement of the Prime Minister and the statement of the Viceroy, one might think that there was not much of a necessity to move this Resolution. But unfortunately I find that opinion in the country is not conciliated by the announcement of the Prime Minister. The announcement of the Prime Minister grants representative government in the Provincial Legislatures and, with certain safeguards in the Central Government. But the people have got certain objections to this. They feel that this conciliatory policy does not go as far as they would wish it to go. And the result is that we find still non-co-operation going on in the country. Sir, what is really required at the present moment, if the Government really want the country to co-operate with them in order that there might be friendly feelings between the Government and the people, is that they should grant an amnesty to all those political prisoners who have been convicted of non-violence. Sir, it is really very difficult to have that calm atmosphere unless those people who are suffering for their convictions, and who did not commit any acts of violence, are released from prison. It would be impossible for Mahatma Gandhi, or even the great leaders who are just out of jail, even if they wish, to bring friendly feelings. They could not possibly do so so long as the rank and file are rotting in the jails. You have also to consider that the feelings of the people in this country have been very much embittered during last year. Let me explain what has happened during the last year. I do not think I could impress upon you the tragic events which have been taking place, if they have not already been impressed upon every one. During last year in India more than 60,000 persons, including women and children, have been sent to jail. Not only that, there has also taken place beating in most of the places. Let me take a few examples. Take the case of Bombay where a number of brave Sikhs in the very beginning were beaten and beaten so much that blood came out from various parts of their bodies.

Mr. B. Das (Orissa Division : Non-Muhammadan): The same was the case in Calcutta.

Shaikh Sadiq Hasan: The same happened in different places. In Amritsar, I may tell you, and this I may tell you authoritatively because I was Chairman of that Committee which investigated the affairs over there, a committee consisting not of extremists, not men who were ever

[Shaikh Sadiq Hasan.]

imprisoned for breaking laws. What did we find there? We found that the police ran amok and beat people, innocent people, and every one who came in the way. Such was the condition in Amritsar. In Peshawar and the frontier, it is a ghastly tale. People speak of the murders committed by some of the Indians. I do deplore that such murders have taken place and the murder of a woman is an act of a brute. But I think it is no less brutal on the part of the Government that they have killed people and committed, as I consider, absolutely open murders. Sir, such is the feeling, and now, after the announcement of the Prime Minister, and just at the very time when the announcement is made, comes a great man of the Government, a gentleman who holds the highest position in the Punjab Government or rather the second highest position, I mean Sir Henry Craik. How is he reconciling the people over there? You would like me to read a few words he uttered, because I do not want to go into details. In his speech just on the very day or the previous day before the Prime Minister made his speech, he said this in the Legislative Council. Mind you, Sir, he was not only running down murderers, which I suppose would have been justified, but he was also referring to Pandit Jawahar Lal and Dr. Kitchlew, and saying that those people were inciting people to murder: "Conciliate. You may as well conciliate a mad dog or a wounded tiger as conciliate these people".

Mr. B. Das: Did he refer to Dr. Kitchlew and Pandit Jawahar Lal?

Shaikh Sadiq Hasan: Those murderers; those people who incite them are guilty and so on. I think he describes all of them.

Mr. B. Das: It is a white lie.

Mr. S. C. Mitra: The Member himself incites.

Shaikh Sadiq Hasan: Not only murderers but also those people whom he considers real murderers, are those who are inciting the people to do these deeds. Again he says, and I think every Englishman who has got any sense of justice should hang his head in shame when the second highest official in the Punjab says this thing, "There is, I say with regret, a reluctance on the part of the Courts to pass really deterrent sentences".

Mr. B. Das: That is British Justice!

Shaikh Sadiq Hasan: Well, Sir, you know what influence the official has got. When such a high official, who is the Home Member, says such things, can any Magistrate dare go against his will?

Mr. B. Das: And a Civilian Judge!

Shaikh Sadiq Hasan: I do not say that. I say Magistrate. I stick to my words. Again he threatens the Punjab with the most drastic laws. We are not afraid. If thousands have gone to jail, others can easily afford to go to jail. What I mean is that the spirit of conciliation is a great deal necessary if you want to remove those feelings which are existing amongst the people at the present moment. Up to this time, since last year, the normal laws have been suspended and the country is governed by abnormal

laws, by Ordinances. I suppose there have been about nine Ordinances issued by His Excellency the Viceroy. (*An Honourable Member*: "12".) Thank you very much for correcting me. Not only that, but the Press law, and all sorts of such laws which make the feelings of the people very much embittered. This great announcement of the Prime Minister has come, and I think the time also has come when we all, Indians, in the interests of our country should carefully consider it with an unbiassed spirit, as Mahatma Gandhi has said. But the fact is that Mahatma Gandhi is a different type of person from the ordinary human being. I consider him as a super-man. He is not like others. We people have not got the same control over our feelings as Mahatma Gandhi has got. Mahatma Gandhi can forget enmities. But can the millions of the people in India, whose sons, wives, daughters and relatives are in jails, can they ever forget easily all that they have suffered? There is only one way of conciliating them in order that they may consider the whole situation dispassionately, and that is by granting an amnesty to all those persons who have been convicted for non-violence.

One more word, Sir. On the very day when the announcement of the Prime Minister was made, we find beating taking place in Calcutta and perhaps also in Delhi as well. (*An Honourable Member*: "No, in Bihar.") In any case beating took place in Calcutta. Such a state of affairs is not conducive really to peace; and I am afraid that, unless the Government adopt a more conciliatory policy, the result will be that the very object of the Prime Minister's announcement will be defeated, because the people will not be able to consider all these matters in a dispassionate way.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the Resolution which my Honourable friend has moved wants the "immediate discontinuance of the present policy of repression pursued by the Government and the adoption of a sympathetic and conciliatory policy". When my Honourable friend gave notice of this Resolution, it was prior to many events which have happened since then, as the wording of the Resolution refers to the state of things which existed then. But, Sir, we find that there has been a certain change in the policy of the Government since that time; the outlook of the Government has materially changed, and we find that the leaders of the Congress have been released. As a matter of fact the persons really responsible for the state of affairs in the country which brought about this repressive policy are now at liberty. But the people who constituted their following are still in jail. That cannot be called a repressive policy which is being pursued now. A repressive policy was pursued till the release of Mahatma Gandhi and others. Since then there has been a change; that has been discontinued

Mr. B. Das: What about lathi charges in Calcutta?

Mr. Muhammad Yamin Khan: My friend has not brought out in the Resolution the only thing which ought to have been brought out. But he has clearly mentioned it in his speech. The thing that is required today is not the discontinuance of the repressive policy, but a general amnesty to all who are now in jail on account of this movement. That ought to have found a place in the Resolution; but of course he could not have put it in because this Resolution was sent in long before the situation changed.

[Mr. Muhammad Yamin Khan.]

I find, Sir, that the Prime Minister of England says in his speech, which is reported in the *Hindustan Times*—and that is the only way by which we can understand what is going on:

"I do not make that by way of a confession; but what we found as the weeks went on was that the situation changed, that new currents came into the scheme of events and that a certain movement"—(these words require very great consideration)—"took place in India and I should have been and my colleagues with me would have been blameworthy rather than praiseworthy, if we had stuck to the letter of the declaration made in circumstances which no longer existed."

Of course, Sir, I cannot understand those words "a certain movement took place in India" which frightened the Prime Minister, referred to anything else than the civil disobedience and non-co-operation movement, and the people being ready to go to jail for the sake of their country. That was the movement referred to by the Prime Minister, and that has brought about the change. This policy pursued by the Congress and by Indians has been really responsible for causing a change in the mind of the Prime Minister, and for the change in the outlook and in the whole scheme of the Round Table Conference as originally planned. ("Hear, hear" from the Nationalist Benches.) The original idea which the British Government and the Prime Minister had in the beginning was absolutely different; but when they came to know about events in India, that Indians were so ready even to go to jail, then they found that they must yield and they have yielded. ("Hear, hear" from the Nationalist Benches.) That is the change in the outlook that has been effected. I do not know what my friends in the Indian Government may be thinking about it, and what those people who have been supporting them throughout will be thinking at this stage—those people, I mean, who have been persistently and consistently supporting the British Government thinking that they were a strong Government and not thinking that they would leave them in the lurch, right in the middle of the ocean. Now, Sir, this has not brought about a change in the policy of the British Government at home, but this must have brought a change and must necessarily bring a change in the minds of those who have stood fast and supported the Government on every measure. They will think that there is no use fighting along with a retiring and beaten army; the Government have yielded and yielded rightly; and if they have yielded, they must yield properly with good humour ("Hear, hear" from the Nationalist Benches); they must not show that they are yielding half-heartedly. When the Prime Minister has dictated from Whitehall the policy that should be pursued here, it is no use making the position of the British Government in India very very weak and deplorable. The best policy which they can adopt at present is to yield gracefully and cheerfully. It will serve no purpose to keep those people in jail who only form the rank and file after letting out at large the chief persons who can find, not one or two, but thousands of people to follow them. Once these people are coming out, it is no good keeping the others in jail. They can find hordes and hordes of others ready to go to jail because there will be very few who will have any sympathy with the Government at this juncture. Nobody will come to their assistance; everybody will be ready to think that this is the victory of Mahatma Gandhi and others and therefore they must follow the armies which are going to win and the future government which is going to take the place of the present government. That is the change in the outlook of the country that has been caused in the country: and

for this nobody else is responsible but the Government; and if that is the situation, and if the Prime Minister has yielded to the circumstances, the British Government in India must also yield to the circumstances which are now existing in the country. There has undoubtedly been a change in the Round Table Conference, because people were ready to go to jail, but there is also a change brought about by the release of the political prisoners now in the country, and that is a circumstance which should not be ignored by the Government. They must cheerfully face that factor and must not ignore it. If the only object of the Government is to win the sympathies of the Congress, they can never gain their object by releasing only a few leaders of the Congress. The real sympathies of the Congress can be gained only by the release of all the prisoners who are now in jail. Of course, you have released Mahatma Gandhi first, but you cannot expect him to tell you that he will decide the future for himself. He will tell you that he cannot decide the future of the country himself; he will tell you that he cannot say anything about the declaration as long as his rank and file are in jail; that he is powerless to consider the question, and that he cannot express any opinion on the declaration of the Premier until he finds that all his friends who have suffered on account of his advice and policy are also set free. That will be the position which will be taken up by Mahatma Gandhi, and if it is allowed, then the tables will turn on the Government. They have released a few leaders in order to win the sympathies of the Congress, but that is not enough. The Prime Minister says—"I am ready to co-operate with them if they agree to co-operate with me". Of course, if he is anxious to have the co-operation of the Congressmen and the leaders, well let him have their co-operation. But I would warn Government that this co-operation will never be extended by the Congress until all the political prisoners are released. It is for the Government to choose their policy. It is not for me to suggest or dictate to them what policy they should adopt in this matter, but I say that whatever policy they might adopt, it should be consistent with one policy which they must pursue throughout, and they must show to the country that they are sincere and that they are releasing not only a few leaders but all the political prisoners who are now in jail. Sir, the rank and file can create no mischief in the country. They can only do such things as will be dictated to them or decided for them by the leaders. If the leaders want to change their present policy, the people will not pursue it, nobody will stand up and challenge the decision of the leaders of the Congress. In a great war the soldiers merely carry out the orders of their superior officers; the soldiers cannot forge or chalk out any particular policy; it is the officers who chalk out policies for the soldiers to follow, and the soldiers have merely to obey the commands of their higher officers. And I think, Sir, some words about policy should have found place in my friend's Resolution. Though the Resolution is somewhat unhappily worded, I think a change has been brought about in the country by the declaration of the Prime Minister, and I therefore support this Resolution.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, in supporting this Resolution, I am not quite sure whether I am not doing a bad turn to my own countrymen. A repression which has given rise to a measure which has infused in the people of this country a feeling of nationalism is a repression that ought to be welcomed by every patriotic Indian. But I feel that it should be our duty to beg and implore those who are at the helm of Government to give us further and bigger doses of repression than

[Mr. B. R. Puri.]

they have hitherto succeeded in doing, so that, after this repression is concluded, we might come out a clean and self-supporting nation. But, Sir, this repression, if it is carried to extremes—as I say it is being carried to extremes—must lead to one inevitable result, and that result will be this. If things are pushed to extremes, we shall come to a parting of the ways, we are bound to come to that, and once more we shall be “East is East and West is West”; we shall then have to say good-bye to you, and you will have to go back to your homes, sweet homes. That will be the position. As men of honour, we cannot accept that proposition. We have taken an oath, only the other day, of allegiance to the Sovereign, and I think it is our duty to the Government and also to our constituents to give a warning to the Government, that we honestly feel that the policy and methods which are pursued by the Government are the most suicidal methods which they could possibly conceive.

Let us, Sir, for a moment look at the past history and see what has given rise to this repression; what is the underlying cause, what is the justification for all this repression which is being carried on in the country? If I am not wrong, Sir, the position as it originated was somewhat like this. There was a clamour in the country, there was a demand by the people of this country that we are entitled to the free use of such a commodity as ordinary common salt, that it is the right of every Indian to have a free use of a commodity of this kind which is to be classed as one of the most elementary needs of a human being, and that the Government were not justified in taxing a commodity of that kind. That was, Sir, one item. The second item was, that people in this country hold that they have every right as patriotic Indians to support their own home industry. In pursuance of that they adopted, as they had every right to adopt, *Swadeshism*, and they preferred *Swadeshism* to *Bideshism*. We boycotted the British manufactures, and I claim, Sir, that not in any spirit of hostility but in a spirit of self-preservation, every man is justified in protecting his own home industry, and I think every Englishman would feel proud that he is born with that idea in his breast. Why do you blame us if we love our country more than any other country? Don't you do the same? Are you not animated with the feelings that you should promote the industries of your own country? Why should it be a sin if I feel in the same way and in the same strain as you do? You convert it into a breach of the law. You say that this is a violation of law and order. If I advise my own countrymen that they should refrain from resorting to drinks, that is turned into an offence. We have committed no offence as offences stand on the Statute-book. We have not been guilty of any dereliction or breach of any moral laws. Laws have been created for the occasion. Our advising the people to refrain from resorting to drink has been created into a law, and every Indian who loves his own home industry is an offender in the eyes of the Government. And how have those laws been created? They have been created in the shape of Ordinances which have been promulgated from time to time. Not that those laws have existed, but they have been made offences, they have been manufactured to meet the special occasions. Such laws we are told, Sir, we have broken, and thousands and thousands of our countrymen have been safely lodged inside the jails. Sir, the best intellect of the country is at the present moment inside the jail. The most patriotic men that India could possibly produce are at the present moment behind the bars. You

have not respected age; you have not respected sex; your police, whom you extol to the seventh heaven, are guilty of these *lathi* charges upon the backs of innocent women, girls, children, kids, a position of which any civilised Government ought to be ashamed. Such has been the state of affairs in this country. I say that every *lathi* that falls on the back of an innocent woman in this country is a nail in your coffin. You will have to pay for it dearly. You may feel secure for the time being, but, remember, there is always a lull before a storm. Carry on these methods for some time, and you will find that they will recoil on you with a terrific force. You will have to reckon that day also. That has been the conduct of your police. What has been your conduct? What is the Government's conduct? Such deeds being committed all over the country from one end to the other, right up from Peshawar down to the remotest southern point in Madras, and from Calcutta to Bombay there is not a single place, there is not a single town where such-like deeds or misdeeds or horrible deeds have not been perpetrated by your police. And what have you done? Have you had a word of solace for the afflicted people? Have you set up any enquiry or investigation into the conduct of any police officer? I challenge the Government to cite a single instance where the conduct of the police has been made the subject of any investigation in spite of the repeated demand of the people in that direction. I say that the Government have failed in their duty. If I were to cite instances, I could do so by scores, but one instance that I would particularly like to refer to is the instance of the police actually marching inside the premises of one of the great educational institutions in Lahore itself. I am referring now to the incident in the D. A. V. College, where when the professors were conducting their classes, the police were not content with subjecting people who had collected outside on the roads to *lathi* charges, but after giving them a beating, actually forced themselves inside the premises of the college. They did not content themselves with mere trespass, but they went inside the class rooms and gave a beating not only to the students, but they did not spare even the professors. This account is not a newspaper account. I happen to come from Lahore, and I can assure the House that I have got first hand information regarding this particular matter. As law-abiding people the D. A. V. College authorities, through their Advisory Council of whom I happen to be one, moved the Government that the conduct of these offending police officers should be enquired into and that the College authorities should be given an opportunity of prosecuting those people. What was the answer? Government did not see their way to grant the necessary sanction. We were estopped from having recourse to a legal remedy. Then where are we to go? What are we expected to do in the circumstances? The Press is gagged; there are your laws, your Ordinances. The platform is barred; section 124A and the platform are synonymous terms. The legal remedy, such as I have just now described, although it is provided in the Criminal Procedure Code, is never allowed to be resorted to. I would like the Government to give a single instance, as I have said before, where the Local Government have actually granted sanction to a private citizen to prosecute offending policemen, no matter how good his case may be. There is no case on record, at any rate, of which I am aware. In this particular case I submit that that remedy was denied. What are, then, the remedies left to the people? How are they going to ventilate their grievances? In ancient times there were Emperors—and I recall to my mind the name of Jehangir, who was the peoples' Emperor. He used to go about, invite people, and ask them what

[Mr. B. R. Puri.]

their grievances were. How are we to ventilate ours? What is the authority to which people, ordinary people, can go and place before them their troubles? I have shown you that personal approach is impossible. The platform is barred and the Press is gagged. The legal remedy is denied. And what are the people to do? Then you feel surprised that people resort to violence. Are they responsible for violence? Do they promote violence? You are the agents; you are the dread instigators of that violence,—not this side but that side of the House. And, I submit, that is a question for your very careful consideration. If these are the methods which have been employed by the Government, I should not wonder if their consequences are such that you might have to rue them one of these days. On the very day when we are told that there is a change of heart—we welcome that change of heart, we are grateful to you for that, but please don't take half-hearted measures—there was the unfortunate incident in Calcutta. The British people sometimes do things, but they always do them with bad grace. There is such a thing as settlement out of court. If my claim against you is good, why do you compel me to go to a law court, first of all to get a decree against you, then to put it in an execution court, and so on? If you think that my claim is good, why not settle it out of court? Why do you fight inch by inch in the hope that perhaps it might not occur to me, perhaps I might not like to press the matter, or perhaps that you might still be in a position to have your own way. No. Look at it from the abstract point of view and say that our claims are good and grant them ungrudgingly. Don't do it in a half-hearted manner. You say there is a change. I admit that there is a change, but is that change a change of the whole heart or of one ventricle only?

Mr. President: The Honourable Member's time is very nearly up.

Mr. B. R. Puri: If you order me, Sir, I will resume my seat.

Mr. President: You can go on for a minute or two and then conclude.

Mr. B. R. Puri: Well, one result of all this repression in a blindfolded manner has been that the Government have not waited and considered the steps that they did really adopt, whether those steps led to their own ruin or to the ruination of the people. I say a great man, one who was the great apostle of non-violence, a man who is even admired by people over there, even a man like Mahatma Gandhi had been put behind the bars. He is a great apostle of non-violence, and I say he is divine, he is a man who is worshipped not only in this country but in countries abroad—I say to shut up a man like him is a sin against the whole human race. I implore Government to have a careful consideration of the present situation and to see for themselves that the way and manner in which they are conducting these matters must lead to the ultimate ruin of their kind *in toto*. (Applause.)

Mr. B. Das: Sir, first of all, I must congratulate my Honourable friend Mr. Yamin Khan on his exceedingly friendly speech. We have heard him on another Resolution this morning, and it seems that, since then, my friend has gone over his reincarnation—from nomination to election—and has undergone a change of heart. Now, he is representing his constituency and reflecting the views of the millions of his countrymen. (Laughter.)

Sir, the object of this Resolution is the creation of a conciliatory atmosphere. I congratulate my Honourable friend Mr. B. R. Puri

on the very able speech that he has delivered just now—I can understand his feeling, coming as he does from Lahore which is so near to

4 P.M. Peshawar and Amritsar. I am not here to recount tales of repression. I am here to ask the Government of India and the British Government to create a conciliatory atmosphere. As I think of conciliation, my heart goes out to the Viceroy, that great Viceroy who recently came to us with a message of goodwill and ordered the release of 29 Congress leaders. I too hope that Lord Irwin will go down to history as the greatest Viceroy of India if he can settle permanently this difference between India and England and bring lasting peace between India and Britain. He is indeed a great Viceroy. The other day when he addressed this House he spoke of Mahatma Gandhi as *a great man* and he spoke of the Congress movement as the *great Congress movement*. I seldom found the Treasury Benches had the courage to say that. They will not say it, and even the Indian gentlemen who are in the Executive Council do not have the courage to say that the Congress movement is a great movement. Of course I am not asking that of my Civilian friends.

Sir, the Viceroy brought about a very conciliatory atmosphere, but what have my friends the Civilians done? Subhash Chandra Bose, known as King Subhas of Bengal, the Mayor of Calcutta, led a procession to the Ochterlony Monument; he wanted to celebrate the Independence Day. Was it not celebrated in Delhi? Was it not celebrated in Allahabad where Pandit Jawahar Lal Nehru addressed the audience? What did the police do in Bengal under the order of the Civilian Government there? It may be the Governor is a non-Civilian. They arrested him, he was beaten too, and they imprisoned him. I was very pleased to read today in the papers a statement from my friend Mr. C. C. Biswas, who is not here today. Everybody who knows Calcutta politics will realise that in politics Mr. Biswas and Mr. Subhash Bose are always at loggerheads. Mr. Biswas is reported to have said that it was an irony of fate that the good work of responsible statesmen in Whitehall and Delhi should be thus neutralised. Although Mr. Biswas had supported, on innumerable occasions, the Government's repressive policy, both in the Calcutta Corporation and outside, today he condemns that policy of Government and regrets that Civilians should have gone against the Viceroy and against the will of His Majesty's Government, against the Prime Minister, and should have created this situation. There has been a similar situation, I am sorry to say, in my own province of Bihar and Orissa, where innocent men have been killed by the action of the police. Police excesses were described in such detail by my friend Mr. Puri that I do not wish to go into it again.

I appeal to Government that all political prisoners should be released. They should be given a general amnesty. How can His Excellency the Viceroy or the British Government expect a better atmosphere by the release of 29 Congress leaders when 25,000 other workers are still rotting in jail. They are all leaders in their own sphere. Today Mahatma Gandhi cannot come and approach Lord Irwin and discuss possibilities of settlement, without those leaders coming out of jail and without getting their advice. After all, what is this All-India Congress Working Committee? It is merely the executive body of the Congress. The All-India Congress Committee, consisting of 350 people, is the deliberative body that gives orders to the executive committee, the All-India Congress Working Committee. What is the use of releasing only 29 gentlemen when over 320 are rotting today in jail? Each of them is a leader in his own province

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and in his own sphere. Sir, I want all political prisoners to be released. I want the Moplah prisoners in Madras to be released too. It was not their fault that they were dragged into that incident. I want the Meerut prisoners to be released also. I cannot understand why the Government of India fight shy of communist agents. I once asked my friend the gallant Baronet Sir Victor Sassoon on the floor of this House whether he could show me a live communist. He said, "Come over to Bombay and I will show you one". I have not yet seen him. Russia has not grasped or swallowed the whole of India. Nor has Russia swallowed up England. What is the use of trotting out that bogey of communism? This Meerut trial is still continuing and I have not seen any communist aggression on India. I am grateful to my friend Haji Abdoola Haroon for reminding me about the frontier prisoners. Patriots, as they all are, some of them died the death of martyrs in Peshawar. None of that crowd ran away. They were butchered and murdered by fire from the British soldiers. I read of one brave incident, though the Press was gagged at the time by the Ordinances,—a gallant Pathan having 21 bullets in his chest. Not a bullet was found fired at his back. Pathans, Sikhs, Hindus, all innocent but brave men were ruthlessly fired at and butchered. They were brave patriots all. I do not want to generate heat here. I ask the Government to grasp the situation in the light of the speech of His Excellency Lord Irwin and not to destroy that calm atmosphere which is so essential now. Why are you afraid of the Congress? If they break the law, you can put them into prison tomorrow. Behave as honourable gentleman and think of the Congress men as honourable men. Give them a chance to prove that they are honourable men. Remove from your mind the suspicion that the Congress will destroy the foundation of your bureaucratic and imperialistic Indian Empire. I hope Honourable Members on the other side are reading the signs of the times. If he has the time, I would ask the Honourable the Home Member to read Mr. Montagu's diary, where Mr. Montagu had made strictures on the Civil Service; that that Service would not see into things and were like a stone wall. The Honourable the Home Member's Department is always guided by the police and the C. I. D. I would like to quote one little passage from Mr. Montagu's diary to show how ridiculous the C. I. D. can sometimes make the situation. Sir, it was Sir Sankaran Nair who, as a Member of the Viceroy's Executive Council, invited Lord Hardinge to dinner at Madras. He had wired to Mr. Bhupendra Nath Basu, now dead, to send some sweetmeats:

"One day in Madras Sankaran Nair was entertaining Hardinge to dinner. Basu was asked to send some Bengali sweets to grace the dinner. Basu sent a wire to Nair: 'The sweetmeats for the Viceroy will arrive tomorrow night.' The C. I. D., getting hold of this, of course stopped the telegram and the parcel" (Laughter), "and entered Basu and Nair as suspects, shadowing them for the rest of the time." (Laughter.)

Sir, my Honourable friend, Sir James Crerar, knows that according to the C. I. D., bombs are sweetmeats and sweetmeats are bombs; and so these two eminent men were shadowed. Sir Sankaran Nair is, I suppose, even today being shadowed. Sir, we are all being shadowed, the Ministers and the Leaders on this side, they are always receiving the closest attention from my friend, the Honourable Sir James Crerar's Department. Sir, that is the state of the atmosphere today. I ask my friends if they have read a recent book published in 1930 by Lieutenant-Colonel Osborne "Must England lose India?" Some time ago another civilian wrote a

book, "The Lost Dominion". Well, I do not know why these gentlemen are so friendly, especially one who was in military service in India, but then I always find that when Britishers retire from India, wisdom dawns on them, but, alas, it is then too late. (Laughter.) Well, my friend, Colonel Osborne—I mean, not my friend,—well, I have never met him—anyway he is now a friend of mine—has written one thing about the Britishers. One of the recommendations which he makes to his countrymen who are serving in India is:—

"Britishers, who after a few years' stay in India, have been found temperamentally incapable of getting on with Indians should be sent back to England." (Laughter.)

I hope therefore the Government of India, if they find some of their colleagues, some of their servants, are not falling into line with Mr. Ramsay MacDonald or Lord Irwin, will pack them off to England, on a proportionate pension, or on the full pension, or on compulsory retirement. (*An Honourable Member*: "As an undesirable commodity.") (Laughter.) Lieutenant-Colonel Osborne recommended fifteen points. Well, the book is here. Somebody however told me it was proscribed. I do not know. But I am quoting from the *Hindustan Review* of November—December 1930. It has fifteen points, not fourteen points. (Laughter.)

"The salaries of British officials in India should be reduced. If French officials in French-Asiatic and African possessions can work on £500 and £1,000, there is no reason why British officials in India should be paid more."

The last recommendation is:

"The Indian Penal Code should be humanised."

Sir, if that had been done, all these difficulties would not have happened. Sir, I appeal to the Indian Civil Service with folded hands: "Take your courage in both hands and act as gentlemen. Do not think of the past, of the imperialistic power you have enjoyed in India so far. I know some of you have lost your near and dear ones, and have buried them in this country. Some of you we regard and we respect, but do not think of the past power and position: think of the all powerful British Empire. India wants to remain part of the British Empire if you want to assist her and treat her as an equal, but if you want to crush us, you will never have India alongside the British Empire." Sir, the British Empire without India would be a third-rate kingdom like Holland, but, Sir, the British Empire with India as an equal partner shall go on for ever as the biggest empire the world has seen, a humanizing agency, civilizing humanity and the world. And if you, the Civilians in the Treasury Benches, fail in that great task, you are ungrateful to England, the country from where you have come here, and you are ungrateful to India, whose salt you are eating. (Cheers.)

The Honourable Sir James Crerar (Home Member): Mr. President, I was glad to hear the Honourable Member who has just resumed his seat preface his speech by saying that he recognized that the immediate necessity for India at this juncture was an atmosphere of tranquillity and conciliation. That, Sir, is a proposition I shall be the first to accept—indeed, it is one that I want the House to affirm. (*An Honourable Member*: "And to act upon it".) It appears therefore to me a matter for regret that the Honourable the Mover of the Resolution, and those who have spoken in support of it, should have selected this particular occasion,

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this particular time and this particular juncture to move a Resolution of this character. I regret it because it does undoubtedly impose upon me a duty which I wish to discharge as adequately as I can and with as much regard for the ultimate object which Mr. B. Das himself set forth as our immediate objective; and in regard to all these necessities of the case, I shall speak I trust with the greatest possible restraint. I do not feel, however, Sir, that I can have any hesitation in saying that so far as the preface to the Resolution is concerned, Government, in the action which is denoted in the Resolution as repression, have only been concerned in discharging their first and most primary duty, and they have done it with the ultimate and ever-persisting desire to secure that, during these important periods of transition, there shall be freedom of expression for every variety of political thought on constitutional lines. Sir, the policy of Government, I submit, must be viewed as a whole; and its guiding feature, the centre of its policy for years past, has been the promotion of political progress in India by constitutional means and on constitutional lines. That policy still stands good; and I do not think that Honourable Members opposite, if they consider the matter in a calm and unprejudiced spirit, can deny that throughout these many years, though the pace may have been slower than many could have wished, that underlying policy has persisted. I think also that any unprejudiced and candid judge will admit that in very recent times, in the course of the last few days, His Majesty's Government and the Government of India have given very convincing proofs indeed of their goodwill towards India's political aspirations and of their desire to see them expeditiously fulfilled. Those, Sir, are propositions which I think will not be denied. Now, Sir, I think that the use of the word "repression" in the sense in which it is being employed in this Resolution misrepresents the steps Government have had to take, and is unfair as regards the policy of Government, which, as I say, has been directed towards the same object as the Honourable Member who preceded me has urged; and I particularly regret that, during the course of the debate, observations should have been made attributing to the public servants of Government, more particularly to the police force, a line of conduct not consistent with humanity and in excess of their duties. I do not propose to go in any detail into those allegations or those suggestions, but I feel that it is incumbent upon me, here and now, to say on behalf of the Government of India, that they wish to express their gratitude and their high sense of appreciation of the services of a force which has always shown the greatest courage and devotion to duty, and has displayed those qualities in a higher degree during the last year than at any other time that I know on record. (Hear, hear.) I must say this also, that the fact that the Government have had to employ extraordinary powers in order to maintain peace and order in this country has been a matter of great regret to them. They have done so in the discharge of their duty, for it is the primary duty of the Government to maintain the only possible conditions in which social content and political progress can ever be attained. I do not intend to speak at great length on this topic because I entirely agree with the Honourable gentleman who preceded me, that what we want now is a return to conditions of tranquillity. That is the greatest and most urgent thing now. (Hear, hear.) There is nothing which I desire less than by any word which I might say to do anything

which might be in any way prejudicial to those results. This restoration of tranquillity is a very urgent thing, and Government are very anxious to see that object attained. But, Sir, I think also that they are entitled to ask for the co-operation of this House, and I venture to ask Honourable Members opposite whether purely negative criticisms, such as we have heard merely unconstructive attacks upon the policy of the Government, are really likely to contribute to those ends. (Applause.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I must congratulate the Honourable the Home Member, especially after the very feeling speeches necessarily feeling, from this side of the House, on the great restraint that he exercised when he gave the reply. Sir, it is but natural, representing as we do the great feeling in the country, that we should give expression to that feeling here, and I am really pleased that Hindu and Muhammadan alike echoed the sentiments which weigh with their constituents with that simple candour which alone justifies their presence here. Sir, I concede that it is but natural for the Honourable the Home Member, entrusted as he is with the task of maintaining law and order in these very difficult and dubious times, that he should come forward and give his praise to the police officers. At the same time, it is equally natural for us whose constituents have been labouring under the *lathi* blows of the police, to speak as we have spoken. Sir, the Honourable the Home Member was pleased to take exception, I believe he took exception, to the manner in which Members on this side of the House at this time had chosen to speak. But, Sir, if they spoke in the manner in which they did, the responsibility for their speaking like that entirely rests on the manner in which the Government have been mishandling the situation (Hear, hear) and it is very creditable that my Honourable friend Mr. Yamin Khan, since his translation from the nominated zone to the elected sphere, should have improved in his manner of looking at things bureaucratic. Sir, I must respond to the appeal of the Honourable the Home Member for the co-operation of this House, and the best manner in which this House could respond to that appeal is by asking the Government to look at things through Indian spectacles. Sir, not only we are co-operating, but I should like to say even the Congress organisation with all the difficulties that a political organisation with a left wing movement has to face, is almost responding. The first response that came from the Congress, especially after the manner in which the Congress has been carrying on a crusade in the country and the manner in which that crusade was resisted by a policy of administration through Ordinances, the response that the Congress has given, I am afraid, has not been adequately appreciated by the Honourable the Home Member. For, Sir, there was not throughout his speech one single sentence to recognise how the Congress has altered its policy, as it strikes us and as it ought to strike any one who is able to look at things less through law and order spectacles. As soon as it received a telegram from England, the Working Committee of the Indian National Congress resisted, instead of yielding to the temptation of publishing their own verdict, whatever it might be, on the Premier's pronouncement. That, Sir, is an effort towards co-operation. That, Sir, is an act of response. It was easy for them to set the country on fire; it was easy for them to say, "Go on as you have gone ahead"; it was easy for them to wave the red flag and blow the bugle; but they did not do that. Like wise

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statesmen—there can be no wiser statesmen today in the Congress ranks than Pandit Motilal Nehru and Pandit Madan Mohan Malaviya (Hear, hear)—long may they live and we hope and trust, and in this hope and trust I am sure even the Honourable the Home Member and the Honourable the Leader of the House will agree with me, that the Pandit may be spared long for the work of this country (Hear, hear)—like wise statesmen, both the Pandits, the sanest heads in the Congress, resisted the temptation of releasing their opinions to the country. That is an act of co-operation.

Mr. Arthur Moore (Bengal: European): May I ask the Honourable Member if he regards it as co-operation that Mr. Gandhi should announce that India is not to be allowed to have self-government till England has enforced prohibition upon India?

Mr. C. S. Ranga Iyer: As we are approaching the evening, I concede that the Honourable the Leader of the European Group should be rather frightened of the talk of prohibition. (Laughter.) Even India has a right

Mr. Arthur Moore: I am only inviting a discussion upon it.

Mr. C. S. Ranga Iyer: Yes, even India has a right to go dry when the Indian people are represented in India's Parliament, as the American public are represented in the American Parliament. (Hear, hear.)

Mr. Arthur Moore: Why not leave it to India?

Mr. C. S. Ranga Iyer: Mr. Gandhi is aspiring to get for the United States of India-to-be the same rights, the same privileges and the same authority that the self-governing United States of America happens to possess. (Cheers.)

Mr. Arthur Moore: Then why ask England to enforce prohibition upon India?

Mr. C. S. Ranga Iyer: The Honourable Member, representing the European group, is perhaps thinking of the enforcing of prohibition through civil disobedience, which is a more civil way than declaring war. Mahatma Gandhi's method is I think the best method, unknown yet to the West, but I do hope, now that they are talking of disarmaments, they will begin to understand his principle and programme as at least one great Englishman, the greatest authority to-day in this country, appears to have understood it. (Hear, hear.) I would recommend to the European Association to study once again the reflections that the late Mr. Edwin Montagu had made upon them, as the interruptions of the Honourable the Leader of the European Association make me suspect that Mr. Montagu's reflections have made absolutely no impression upon them and that they are still continuing like the stick-in-the-muds unwilling to change and resisting all tendencies towards change.

Sir, coming now from this interregnum of interruption to the main issue which the Honourable the Home Member, with the responsibility attaching to his position, as contrasted with the irresponsibility which exalts my friend's (Mr. Arthur Moore's) position over there (Laughter), so seriously and so wisely put to us, I must develop my argument as to

what the Congress has done. I have already said the first thing, namely, their unwillingness to release, notwithstanding the temptation to do so as the leaders of a great movement, their opinion on the present situation and the pronouncement of the Prime Minister pending the arrival of the Indian delegates from England and consultation with them in regard to certain things which have happened in England, and of which they are as much unaware as we are in this House.

Now, Sir, the second gesture of co-operation which the Congress has made is the weakening of the whole Congress programme. I am not at present seeing week by week the reports of the Government of India communicated to Great Britain on the Indian situation; but if they indulge in that luxury of propaganda, they will be revealing that the movement has very considerably weakened since the release of the political prisoners. If you ask them to lay down their arms, I say you are asking them to do the impossible; for they are in the position not of constituted authority, to whom the whole administration from top to bottom is responsible, but they are in the disadvantageous position of rebels. And the same loyalty and the same discipline that you find in the administrative machinery, you do not find among rebels. Once they lay down their arms, they will be playing into your hands, and they know that they will be playing into your hands. Once they lay down their arms, they will not be able so hurriedly to revive the movement. It will be accepting what would be tantamount to nothing more than a dictated peace which you are trying to enforce. Sir, it is utterly impossible for the Congress at present to lay down their arms until they know exactly where they stand and know it beyond the cloud of words which the Prime Minister's statement has produced; until, as Sir Samuel Hoare truly said, the picture is fully filled. That is their position. They are responsible men, responsible to their own following whom you have not released. Is this an armistice, releasing the Generals and keeping their followers in prison? You were afraid of their followers; you want the Generals to repudiate their followers. This is a kind of thing which you cannot expect them to do. That way does not lie statesmanship. Once you have released Mahatma Gandhi, once you have released the members of the Working Committee, it is not either fair or just for you, it is not statesmanlike, it is not prudent, to keep their followers in jail. Sir, co-operation therefore must come from the Government themselves. Mahatma Gandhi is not today manufacturing salt as he was doing when you interned him; Mahatma Gandhi is not today raising his earthquake movement as he did when you interned him. Therefore my humble suggestion to the Government is to take their courage in both hands and do the right thing. I admit that this Resolution has wandered into regions which have been slightly altered, I should say very much altered, by the recent announcement, the generous pronouncement, the wise and statesmanlike move, releasing the leaders of the Congress. Follow it up and do not for a moment imagine that in the ranks of the Congress are blind followers. They are men who can think for themselves; they are not blind voting automatons; they are not nominated Members of the Central Legislature. (Laughter.) Sir, they think for themselves and they have not read, as some of us have read, the Premier's pronouncement. That opportunity has been denied to them because in their third class treatment they do not have the same facilities that some of the leaders enjoy. The Congress leaders are more

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followers than leaders. If they had just adopted the attitude that my friend and leader Sir Hari Singh Gour adopts today, they would have the same following in the country that my friend and leader Sir Hari Singh Gour will have in the country. They are leaders today because they are representing in themselves a movement of which they are the leaders; and therefore if only you release the followers, as you must do for you cannot put back the hands of the clock, the followers will think for themselves, and I venture to think you can depend on the collective wisdom of the Congress; and if their collective wisdom is not as you and I expect it will be, then there will be dissension of opinion in their own ranks. Therefore wisdom and statesmanship alike will make you go forward in the bold direction in which you have taken the first step.

Sir, I once again thank, and I once again congratulate the Honourable the Home Member on the wisdom and restraint with which he has spoken, in the hope that he will follow up the courageous policy of the Socialist Government *cum* Conservative Viceroy and release all the political prisoners.

The Assembly then adjourned till Eleven of the Clock on Monday, the 2nd February, 1931.