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FOURTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
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Legislative Assembly.

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MR. N. M. JOSHI, M.L.A.

CONTENTS.

VOLUME VIII.—29th September to 8th October, 1936.

	PAGES.		PAGES.
TUESDAY, 29TH SEPTEMBER, 1936—		FRIDAY, 2ND OCTOBER, 1936—<i>contd.</i>	
Questions and Answers	1987—2020	Motions for Adjournment <i>re—</i>	
The Arya Marriage Validation Bill—Discussion on the consideration of clauses not concluded	2020—63	Indian-owned Shipping Service between India and Europe—Ruled out of order	2242—45
WEDNESDAY, 30TH SEPTEMBER, 1936—		Secrecy of Vote in the Rural Areas of the United Provinces—Disallowed by the Governor General	2245—47, 2280
Questions and Answers	2065—96	The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded	2247—79, 2280—2300
Short Notice Question and Answer	2096	Message from His Excellency the Viceroy and Governor General	2280
Motion for Adjournment <i>re</i> Government's Currency Policy—Disallowed by the Governor General	2097—98, 2129	MONDAY, 5TH OCTOBER, 1936—	
The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded	2098—2129, 2129-54	Member Sworn	2301
Message from His Excellency the Governor General	2129	Questions and Answers	2301—44
THURSDAY, 1ST OCTOBER, 1936—		Short Notice Question and Answer	2344—45
Questions and Answers	2155—88	Motions for Adjournment <i>re—</i>	
Motion for Adjournment <i>re</i> Control of the Soldiers on the Football Ground at Annandale, Simla—Negatived	2189—91, 2224—36	Death of Detenu Naba Jiban Ghosh—Disallowed by the President	2345—47
Statement of Business	2191—92	Prohibition of the Recital of <i>Madhe-Sahaba</i> in Lucknow—Disallowed by His Excellency the Viceroy	2347—49, 2380
Resolution <i>re</i> Interference from Public Servants in the ensuing Elections—Discussion not concluded	2192—2223	Message from the Council of State	2349
FRIDAY, 2ND OCTOBER, 1936—		Statement laid on the Table	2350—51
Member Sworn	2237	The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded	2352—80, 2380—2408
Statements laid on the Table	2237—42	Message from His Excellency the Viceroy and Governor General	2380

	PAGES.		PAGES.
TUESDAY, 6TH OCTOBER, 1936—		THURSDAY, 8TH OCTOBER, 1936—	
Members Sworn . . .	2409	Member Sworn . . .	2575
Short Notice Questions and Answers . . .	2409—13	Questions and Answers . . .	2575—2623
Expunction of certain passages in a question put by Mr. Kabeer-ud-Din Ahmed . . .	2413	Unstarred Questions and Answers . . .	2623—64
The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded . . .	2413—77	Motions for Adjournment re—	
		Cancellation of the Press Gallery Pass of the Correspondent of the <i>Amrita Bazar Patrika</i> —Disallowed by the President . . .	2664—65
		Protection of Female Passengers travelling in Female Compartments of Trains—Disallowed by the President . . .	2665—67
WEDNESDAY, 7TH OCTOBER, 1936—		Revision of the Indian Currency and Exchange Policy—Negative . . .	2667—68
Member Sworn . . .	2479	Bill passed by the Council of State . . .	2668, 2700—20
Questions and Answers . . .	2479—2521		
Short Notice Question and Answer . . .	2521—22	Resolution re Interference from Public Servants in the ensuing Elections—Discussion not concluded . . .	2668—2700
Message from the Council of State . . .	2522		
The Indian Companies (Amendment) Bill—Passed as amended . . .	2523—74		

LEGISLATIVE ASSEMBLY.

Thursday, 1st October, 1936.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

ASSISTANCE GIVEN BY INCOME-TAX OFFICERS TO INCOME-TAX COMMISSIONERS IN CASES OF APPEAL IN OPEN COURTS.

744. *Mr. Sri Prakasa : (a) Are Government aware that it is irksome to the income-tax officers and embarrassing to the assessee when in cases of appeal, the Income-tax Commissioners call Income-tax Officers openly in court to assist them ?

(b) Have Government received any complaints against the system of the Income-tax Office being a complete department in itself, in which the assessments are made and appeals disposed of without the intervention of third parties ?

(c) Are Government aware that a reference to the High Court, as permitted by law, can in the nature of things be resorted to only in very special cases and by very few individuals ?

(d) Are Government aware that there is a widespread feeling that this system does not conduce to proper justice being meted out to persons dissatisfied with their assessment of income-tax, and that this system has made most Income-tax Officers irresponsible and autocratic ?

(e) Are Government prepared to consider the desirability of introducing the system of appeal outside the Income-tax Department ?

The Honourable Sir James Grigg : Complaints of the nature indicated in the first four parts of the question have been received from the public. The whole subject is at present under the examination of the Expert Advisers to the Government of India on Income-tax matters.

DEMAND MADE BY THE RESERVE BANK OF INDIA ON SCHEDULED BANKS.

745. *Mr. Sri Prakasa : (a) Is it a fact that the Reserve Bank is authorized to demand about 2½ (two and a half) lacs of rupees from each of the banks which Government have declared as scheduled banks ?

(b) Does the Reserve Bank pay any interest on these sums ?

(c) What facilities, if any, does the Reserve Bank offer to scheduled banks whose money it keeps ?

(d) Are Government prepared to take steps to see that a reasonable interest is paid by the Reserve Bank to scheduled banks for such money ?

The Honourable Sir James Grigg : (a), (b) and (d). I would invite the attention of the Honourable Member to section 42 and to sub-section (6) of section 19 of the Reserve Bank of India Act.

(c) I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 155 in the current Session.

Mr. Sri Prakasa : I am sorry I could not catch the Honourable Member's answer to clause (d) of the question. Will he kindly repeat it ?

The Honourable Sir James Grigg : I referred the Honourable Member to certain sections of the Reserve Bank Act, but I can elaborate a little if the Honourable Member so desires. These compulsory deposits free of interest are intended to provide the remuneration of the Reserve Bank for the services it renders to the market, and I should be deceiving him if I held out any hope whatever that the Government would be prepared to ask them to pay interest.

Mr. Sri Prakasa : Do Government realise that it is very hard for comparatively small banks, with paid up capital of only 10 lakhs or so, to pay dividends to shareholders and interest to depositors when they have to deposit as much as 2½ lakhs in the Reserve Bank without any interest at all ?

The Honourable Sir James Grigg : If the Honourable Member would work out the interest at short term rates on 2½ lakhs, I think he will see that it won't make a great deal of difference to the banks.

Mr. Sri Prakasa : May I trouble the Honourable Member once more to repeat his answer to clause (c) ? I could not catch that either.

The Honourable Sir James Grigg : I referred to a previous answer which I gave to question No. 155 put by Mr. Satyamurti.

CONSTRUCTION OF COVERED PLATFORMS ON THE BENARES CANTONMENT RAILWAY STATION.

746. ***Mr. Sri Prakasa :** (a) Are Government aware that it was raining very hard when the Viceroy last alighted at the Benares Cantonment Railway Station ?

(b) Is it a fact that he and his party and His Highness the Maharaja of Benares and high local officials who had gone to receive him, were put to great inconvenience because of lack of properly covered platforms ?

(c) In view of the importance of the Benares Cantonment Railway Station and the inconvenience caused to high and humble alike, are Government prepared to order that both the platforms be properly and fully covered ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Some inconvenience resulted.

(c) This is a matter within the competence of the Railway Administration, whom the Government of India consider to be in the best

position to judge of the relative importance of the proposed expenditure.

Mr. Sri Prakasa : In view of the fact that the Benares Cantonment Railway Station is an important station, and further in view of the fact that the Railway are actually extending the covered portion of the platform, will Government advise the authorities to expedite matters and cover the whole platform or at least a hundred more feet in order to cover the exit and entrance, within a reasonable period of time ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Pandit Lakshmi Kanta Maitra : May I know, Sir, if it is the position of the Government of India that even in such important matters the Government of India cannot interfere ?

The Honourable Sir Muhammad Zafrullah Khan : It is not a question of Government of India being unwilling to interfere. I have tried to explain in answer to part (c) of the question that in these matters the administration must decide the relative priority of the works which require their attention.

Pandit Lakshmi Kanta Maitra : In view of the fact that it is a State-managed Railway, and in view also of the fact that pilgrims all the year round go to Benares in large numbers and great inconvenience is caused to them, do Government propose to advise the administration in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : No, for the reason that if Government were prepared to advise the Railway administration in such matters, they must first send for the whole of their programme for the year and take it upon themselves to decide upon the comparative importance of the works, and Government are not prepared to do that.

Pandit Lakshmi Kanta Maitra : May I know whether the Viceroy's Party never brought any complaint to the attention of the Railway Board ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Mr. Sri Prakasa : Are Government satisfied that the Railways are exercising their discretion in such matters properly ?

The Honourable Sir Muhammad Zafrullah Khan : Certainly.

Mr. Sri Prakasa : Sir, I am not asking question No. 747. It has already been answered in another connection.

†747*.

DIFFERENTIATION MADE BY VENDORS OF FOOD-STUFFS AT RAILWAY STATIONS.

748. ***Mr. Sri Prakasa :** (a) Are Government aware that at various railway stations pedlars sell what is called 'Hindu Tea' and 'Muslim Tea' ?

(b) Have Government specified the religion of the various sorts of tea sold at railway stations ? If not, what exactly do these terms mean ?

† This question was withdrawn by the questioner.

(c) Are Government aware that among Hindus themselves, various castes do not take food or drink touched by each other ?

(d) If the intention of Government is to prevent the contamination of one religion by the touch of another religion, by differentiating between Hindu and Muslim tea, are they also prepared to arrange for the prevention of the contamination of various castes among Hindus in a similar manner ?

(e) If not, are Government prepared to prevent forthwith such differentiation being made by at least the licensed vendors of food-stuffs at railway stations ?

The Honourable Sir Muhammad Zafrullah Khan : (a) There are stalls at several stations with notice boards to this effect, and it is believed that hawkers announce their teas accordingly.

(b) No ; the notice boards merely indicate that the vendor is a Hindu or a Muhammadan as the case may be.

(c) I am prepared to accept this from the Honourable Member.

(d) and (e). Such differentiation as there is at present has been forced on Railways by public demand, but Government are prepared to stop it if feeling is unanimously against it. They have no intention, however, of making any further differentiation.

Mr. T. S. Avinashilingam Chettiar : Do Government expect that at any time there will be unanimous feeling in a matter of this nature ?

The Honourable Sir Muhammad Zafrullah Khan : One never knows what may happen.

Mr. T. S. Avinashilingam Chettiar : Is it not a fact, Sir, that it can only be a majority who can have a feeling in this respect, and there can never be a uniform feeling in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : These feelings are based mostly on religious sentiment, and I am afraid in such a case the majority sentiment cannot be taken to override the sentiments of the minority.

Mr. K. Ahmed : Are Government aware that Hindu passengers at railway stations refuse to take water from the same hydrant or water tap, and the matter has gone so far that there was even a death, and are not Government justified in maintaining separate establishment for supplying water for Hindus and Muhammadans, in the same way as there are Hindu and Muslim *puri* and *kachori* suppliers ? Instead of thanking the Government for making that provision, does it not look extraordinary for certain Hindu Members to raise objections for whose benefit the above provision was made ?

Mr. Sri Prakasa : With reference to answer to part (ii) of sub-clause (d), are Government satisfied that they are meeting the sentiments of various castes of Hindus themselves in this connection ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of the sentiment referred to by the Honourable Member.

Mr. Sri Prakasa : Is the Honourable Member not aware that many so-called higher caste Hindus also do not take food or drink served out

by the vendors and first make sure of the particular caste of the vendors even when they announce that they are Hindus ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that in (c) in my reply. I am prepared to accept from the Honourable Member that there is such a differentiation.

Mr. Sri Prakasa : If the Government don't mind this differentiation among the Hindus themselves, why do they make the differentiation between Muslims and Hindus ; and by abolishing them, not help to foster unity ?

The Honourable Sir Muhammad Zafrullah Khan : Government do not mind the differentiation. Government have made the differentiation wherever they were pressed to do so.

Mr. K. Ahmed : Is it not a fact, Sir, that advanced and educated Hindus do not refuse to take meals or refreshments from the hands of Muslims, but the majority of those people who are a little bit orthodox tell the others " Oh, look here, you are making a mistake ", while they themselves don't admit that they are taking food from Muslims which, according to their religion, they should not take, and that is the real difficulty which arises very often ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am not able to see the point of the Honourable Member's question.

Mr. Sri Prakasa : Is the Honourable Member aware when persons like myself, who do not observe so-called ' caste ', ask for tea or food from those who announce themselves as Muslim vendors, they decline to give them on the plea that they are Muslims ?

The Honourable Sir Muhammad Zafrullah Khan : On that point, the Honourable Member alone can furnish the information. I am unable to furnish any information. T

Mr. S. Satyamurti : Will the Government consider the desirability of abolishing this distinction, in the name of civilized secular Government ?

The Honourable Sir Muhammad Zafrullah Khan : The Government are prepared to abolish this distinction if the demand for such a distinction practically ceases.

Mr. Sri Prakasa : When was the demand made and how did the Government assure themselves that there was such demand before they introduced this distinction ?

The Honourable Sir Muhammad Zafrullah Khan : I think there is another question which has not yet been reached where an Honourable Member of this House enquires why a Hindu water carrier has not been provided at a certain station.

Mr. Sri Prakasa : Why should the Honourable Member think that the Honourable Member who has put that question represents public opinion, while I who happen also to be a Member of the House am not regarded as representing public opinion when I say that we do not want such distinction ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion.

RESERVATION OF FOUR FIRST CLASS BERTHS ON PAYMENT OF ONE FARE ON RAILWAYS.

749. *Mr. Sri Prakasa : (a) Is there any particular class of men in India who are permitted the use of a whole first class compartment of four berths on payment of one fare ?

(b) If so, which individuals constitute this class ?

(c) Who is responsible for the loss of revenue to the railway by the three other seats going vacant ? And what arrangement is made for any other passenger who may want to travel by that train and find no other seats vacant except the three in such a compartment ?

(d) Is it a fact that sometimes *bonâ fide* travellers coming from further up the line, are asked to vacate their seats in order that privileged individuals may have all the seats to themselves ?

(e) Have there been any unseemly quarrels between the railway staff and such a passenger on such occasions ?

(f) Are Government prepared to order the discontinuance forthwith of the practice of reserving four berths on the payment of one for any person whatsoever ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No.

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

(d) and (e). Government are not aware of any such cases.

Mr. Sri Prakasa : Is it not a fact that Judges of the High Courts and Presidents of Provincial Councils pay only one first class fare to get one full compartment reserved for them ?

The Honourable Sir Muhammad Zafrullah Khan : The railways are paid the full amount which is due in respect of the accommodation reserved.

Mr. Sri Prakasa : The gentlemen concerned pay only one fare and do the Government make up for the balance of fares afterwards ?

The Honourable Sir Muhammad Zafrullah Khan : That is not the concern of the Railway Department.

Mr. Sri Prakasa : That is my concern because I have to pay the remaining three fares.

The Honourable Sir Muhammad Zafrullah Khan : I cannot answer that question. That does not relate to the Railway Department.

Mr. Sri Prakasa : I do not mean that. I pay the remaining fares myself. I pay as a taxpayer for it is the taxpayer who has always to pay ; and does not the Honourable Member as the custodian of the interests of the taxpayer regard it as desirable that such a system is abolished ?

The Honourable Sir Muhammad Zafrullah Khan : As I have tried to explain, it has nothing to do with the Railway Department. So far as the fares are concerned, the full amount due is paid to the railways. The Railway Department is satisfied.

Seth Govind Das : Is the money paid out of Provincial Governments' budgets ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member has said that Judges of the High Court and Presidents of Provincial Councils are entitled to this privilege. I am unable to say who pays the fares.

Mr. Sri Prakasa : Is it a fact that they are entitled to this privilege ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Mr. K. Ahmed : Is it not a fact that the Chief Justice of every High Court is allowed by the Government to have the price of four tickets to include his bill of travelling allowance, and the Puisne Judges are only entitled to a single first class, but as a matter of fact when one berth is engaged by the Department for a Puisne Judge, any gentleman of the type of my Honourable friend, the questioner, and others as a rule do not venture to travel in the same compartment out of respect of the Judge and his judicial attainment even though there are other berths vacant in the same compartment ?

(No answer.)

Mr. N. M. Joshi : May I ask, Sir, whether it is open to a Member of Government to say that a particular matter is not within his jurisdiction and it is not for him to reply when the Government of India is one and indivisible ?

The Honourable Sir Muhammad Zafrullah Khan : The instances cited have nothing to do with the Government of India in any of its Departments.

Mr. Mohan Lal Saksena : What about Judges ? They are under the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : No ; they are the concern of the Local Governments.

Seth Govind Das : The Provincial Governments are subordinate to the Government of India.

The Honourable Sir Muhammad Zafrullah Khan : They are not subordinate to the Government of India.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

PERSONS PAID FROM INDIAN REVENUES IN THE UNITED KINGDOM AND THE BRITISH COLONIES.

750. ***Mr. Sri Prakasa :** (a) What is the number of persons, paid from Indian revenues, who drew their salaries and pensions in 1935 and 1936 in :

- (i) the United Kingdom, and
- (ii) the British Colonies ?
- (b) How many such persons reside in :
 - (i) the United Kingdom,
 - (ii) the British Colonies, and
 - (iii) India ?

(c) What is the total amount of salaries and pensions of such persons drawn in :

- (i) the United Kingdom, and
- (ii) the British Colonies ?

(d) What is the monthly and annual maximum and minimum of such salaries and pensions ?

The Honourable Sir James Grigg : (a), (b) and (d). The information is not available.

(c) I would invite the Honourable Member's attention to the reply given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 1410 on the 23rd March, 1936, which contains all the information available.

Mr. Sri Prakasa : Will the Government make any efforts to obtain the information ? Or, will it be too much of a trouble ?

The Honourable Sir James Grigg : I would not put it on the score of trouble, but on the score of expense.

Mr. M. Ananthasayanam Ayyangar : Is it not even possible to say the total amount of salaries and pensions as requested in part (c) of the question ?

The Honourable Sir James Grigg : If the Honourable Member refers to starred question No. 1410, which I referred to, he will see all the information that is available.

Mr. Lalchand Navalrai : Are there no registers or records to show which amount of pension is drawn in the United Kingdom and which in the British colonies ?

The Honourable Sir James Grigg : Of course the information is there, but the question of compiling it and the labour and expense of compiling it is the matter in question now.

Mr. Sri Prakasa : I do not ask questions Nos. 751 and 752, as they have already been answered in another connection.

†751*.

†752*.

DUTIES OF THE SECOND GRADE POSTAL CLERKS.

753. ***Mr. Suryya Kumar Som :** (a) Is it a fact that Government, when creating the cadre of lower division clerks, now known as second grade clerks in the Posts and Telegraphs Department, announced that the duties of the newly created cadre of clerks would be of routine nature and they would not be required to do intelligent work nor work of bigger monetary responsibilities ?

(b) Is it a fact that these clerks are now frequently ordered to hold charge of important branches and sub-offices and to undergo heavy monetary responsibilities ?

† This question was withdrawn by the questioner.

(c) Is it a fact that the Pasricha Committee held the view that the direct recruits to the lower division clerks, now known as second grade clerks, are as good as upper division clerks in point of office work and academic qualification and they are doing as responsible work as upper divisions and in some cases of even greater importance ?

The Honourable Sir Frank Noyce : (a) The facts are not as stated by the Honourable Member. When the new grade of lower division clerks was created the intention was to employ this class of officials for the discharge of "intelligent routine duties"; but later on it was laid down by Government that it was open to the Head of the office to employ these lower division clerks in such duties as he might think most suitable, subject to the conditions that the officials in question were employed solely on work of a routine nature or on work, including transactions with the public, which involved comparatively minor responsibilities. I may add that recruitment to the old grade of lower division clerks has now been discontinued but that grade is not now known as second grade.

(b) Government have no information but they have no reason to believe that the orders on the subject are not being observed.

(c) Yes.

Pandit Lakshmi Kanta Maitra : Is it not a fact that the Pasricha Committee held the view that second grade clerks were recruited from highly educated section of the community and that they were called upon to discharge duties and responsibilities as onerous as those of upper division clerks ?

The Honourable Sir Frank Noyce : That question is covered by part (c) to which I have replied, "Yes".

Pandit Lakshmi Kanta Maitra : If that is so, then does not the Honourable Member think that they should be given better prospects in the matter of pay and emoluments ?

The Honourable Sir Frank Noyce : We have revised the whole system, as I shall be explaining in reply to the next question.

NEW SCALES OF PAY INTRODUCED FOR THE SECOND GRADE POSTAL CLERKS AND SUB-POSTMASTERS.

754. ***Mr. Suryya Kumar Som :** (a) Has the attention of Government been drawn to an article under the caption 'The miserable life of the Lower Division Clerks and sorters of direct recruitment' appearing at page 278 of the September, 1935, issue of *Labcur*, the Postal organ of the Provincial Postal and R. M. S. Union of Assam and Bengal Circle ?

(b) Is it a fact that the scale of pay introduced for the second grade clerks and Sub-Postmasters, many of whom are graduates and undergraduates, is less than that of their junior non-matriculate second grade clerks recruited from the rank of postmen ?

(c) Is it a fact that the Pasricha Committee recommended that the directly recruited lower division clerks should be differentially treated in comparison with lower division clerks recruited from the postmen for former's higher academic qualification as well as bigger responsible work ?

(d) Do Government contemplate revising the pay of the directly recruited second grade clerks ?

The Honourable Sir Frank Noyce : (a) Government have seen the article referred to.

(b) The facts are not as stated by the Honourable Member. The new rate of pay for clerks is a uniform scale divided into two grades and it applies to all persons who enter, have entered or have been re-employed in Government service whether in a permanent or other capacity since the 16th July, 1931. There is no separate scale of pay as such for second grade clerks and sub-postmasters. Postmen who were officiating in the old lower division clerical cadre and were later confirmed draw the pay prescribed for that division, but postmen who may be promoted hereafter to the clerical cadre will get the same scale of pay as the direct recruits.

(c) No.

(d) No.

Mr. Lalchand Navalrai : With reference to the answer to part (b) of the question, may I know whether it is a fact that graduates get less pay than junior non-Matriculates who have risen from the rank of postmen ?

The Honourable Sir Frank Noyce : There used to be a distinction for graduates. Formerly graduates were recruited, if not on a different scale, at any rate on an advance stage of the scale, but that distinction has since been abolished.

Pandit Lakshmi Kanta Maitra : Do I understand the Honourable Member to say that at present these two distinctions have been abolished—direct recruits and those promoted from the ranks of postmen and sorters. Do I understand from the Honourable Member that the scales of pay for the two classes have been made the same ?

The Honourable Sir Frank Noyce : Under the new scales of pay, there is no separate scale as such for second grade clerks and sub-postmasters. I may add that this is an extraordinarily complicated question and I shall be glad to discuss it with my Honourable friend if he would see me later on.

Pandit Lakshmi Kanta Maitra : When were the new scales of pay introduced with regard to the new entrants ?

The Honourable Sir Frank Noyce : Very recently, I cannot say exactly from what date.

GNANENDRA CH. MAJUMDAR, A DETENU IN THE DEOLI DETENTION CAMP.

755. ***Mr. Suryya Kumar Som :** (a) Are Government aware that Gnanendra Ch. Majumdar, a detenu at Deoli Detention Camp, has lost 40 pounds weight, and that his health has greatly deteriorated ?

(b) Are Government aware that during his internment in 1918 he developed symptoms of tuberculosis, for which he was released, and that he was cured after long treatment ?

(c) In view of this great decrease in his weight and deterioration of his health, are Government prepared to have him examined by a competent doctor as to the cause of this loss of weight ?

(d) If it is found that there is great loss of his weight and his health has deteriorated, are Government prepared to release him, or at least, to remove him to some healthier place ?

(e) Are Government aware that his only son Torun Majumdar and his wife Shurama Majumdar have also been interned at their residence at Mymensingh ?

(f) Are Government aware that Gnanendra Majumdar has got some landed property within Netrokona sub-division which require constant looking after and that those properties are being ruined for there being none to look after them ?

(g) Are Government prepared to release him, or at least, intern him at his residence at Mymensingh town ?

(h) Are Government aware that after his internment, his family was given Rs. 70 as allowance, but that was subsequently reduced to Rs. 50 on account of his Mymensingh house being let out at Rs. 40, and that his son and wife had to occupy that house when they were home interned and they are still occupying it and had to forego the rent amounting to Rs. 40 a month ?

(i) Are Government prepared to increase the allowance to its former amount of Rs. 70 ?

(j) Are Government aware that his only son, Torun Majumdar, has passed the B.A. examination as a private student this year and cannot prosecute his studies in the M.A. class for want of fund ?

(k) Are Government prepared to grant education allowance to Torun Majumdar, so that he can prosecute his studies in the M.A. class at Dacca or Calcutta ?

The Honourable Sir Henry Craik : (a) As a result of an attack of influenza last January, the detenu lost 30 lbs. in weight. He has, however, since regained 12 lbs. His general health is now satisfactory and no special treatment is considered necessary.

(b) No.

(c) and (d). These parts do not arise.

(e) and (f). The Government of India have no information. These are matters for the Government of Bengal.

(g) No.

(h), (i), (j) and (k). The question of granting allowances in respect of detenus detained under the Bengal Criminal Law Amendment Act is one for the Government of Bengal.

Pandit Lakshmi Kanta Maitra : When was it that this gentleman, Gnanendra Nath Majumdar, got an attack of influenza on account of which he lost 30 pounds in weight ?

The Honourable Sir Henry Craik : I said, in January last.

Pandit Lakshmi Kanta Maitra : On receipt of notice of this question did the Honourable Member inquire whether this loss of 30 pounds was due mainly to ordinary influenza ?

The Honourable Sir Henry Craik : I do not know what the Honourable Member means by "Ordinary influenza", but it was a severe attack of influenza which lasted for 23 days.

Pandit Lakshmi Kanta Maitra : Is it not a fact that this gentleman was a victim of tuberculosis and Government let him out for treatment in the year 1918 ?

The Honourable Sir Henry Craik : That suggestion was put in one part of the question but I think I said that we have no information.

Pandit Lakshmi Kanta Maitra : My question was, did the Honourable Member on receipt of this question inquire whether this particular gentleman developed tuberculosis as a result of which the Government of Bengal ordered his release for his better treatment ?

The Honourable Sir Henry Craik : My answer to that was that it is not a fact.

Pandit Lakshmi Kanta Maitra : Is it also not a fact that even now he is running a slight temperature and he is having symptoms of tuberculosis ?

The Honourable Sir Henry Craik : No, Sir, it is not a fact. He was examined as recently as the 29th August by the Chief Medical Officer in Rajputana, who found that his general health was good and that no special diet or treatment was necessary.

Pandit Lakshmi Kanta Maitra : Is it not a fact that not only has this gentleman been interned at Deoli but his wife and only son are also interned at Mymensing ?

The Honourable Sir Henry Craik : I have answered that. I have said that these are matters for the Government of Bengal about which I have no information.

Pandit Lakshmi Kanta Maitra : I am asking this question about a detenu who is in a centrally administered area which is under the administration of the Government of India.

The Honourable Sir Henry Craik : I have answered questions about the detenu who is under the charge of the Government of India.

Pandit Lakshmi Kanta Maitra : Then may I know from the Honourable Member whether it is not his concern to take into consideration the adequacy or inadequacy of the allowance of a particular detenu ?

The Honourable Sir Henry Craik : No, Sir, it is for the Government of Bengal.

Pandit Lakshmi Kanta Maitra : Even in centrally administered.....

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

PROHIBITION AGAINST GOVERNMENT PENSIONERS STANDING AS CONGRESS CANDIDATES TO THE PROVINCIAL LEGISLATURES.

756. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether there is any prohibition, express or implied, against Government pensioners standing as Congress candidates, or as candidates on any other tickets, in the ensuing elections to the Provincial Legislatures ;
- (b) if so, what they are, and the reasons therefor ; and
- (c) if not, whether they propose to issue a communiqué on the subject ?

The Honourable Sir Henry Craik : (a) and (b). No orders have been issued prohibiting retired Government servants from standing, as Members of any party for election to the Provincial Legislatures. I do not know what the Honourable Member means by an "implied prohibition".

(c) The Government see no need for a communiqué.

Mr. S. Satyamurti : With reference to the answer and with the regard to my Honourable friend's question about what I meant by "implied", I am asking whether Government have in the past taken any action against pensioners of Government identifying themselves with the Congress and whether in the future if Government pensioners stand as Congress candidates they intend taking any steps against them in respect of their pensions from Government.

The Honourable Sir Henry Craik : Government have in the past taken steps against pensioned Government servants who have joined any movement subversive of the Government, and the Honourable Member is aware that at one time the Congress promoted such a movement. As regards the future, they do not intend to take any steps against any retired Government servants who may stand as Congress candidates.

Mr. K. Ahmed : Will Government be pleased to take steps and warn pensioners not to stand for any election, and if they do like to stand they incur not only the displeasure of the public but their pension may be forfeited ?

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ARTICLE ENTITLED "TRANSPORT ADVISORY COUNCIL MEETING" REGARDING RAILWAYS PUBLISHED IN THE *Roy's Weekly*.

757. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to an article entitled "Transport Advisory Council Meeting" in the *Roy's Weekly* of the 27th July regarding railways.

[* * *] This portion was expunged, *vide* Legislative Assembly Debates, dated the 6th October, 1936.

- (b) whether they propose to remedy the defects pointed out therein ; and
- (c) if so, when ; and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, by the Honourable Member's question.

(b) and (c). As the Honourable Member may have observed, the criticism has reference to timings of trains at various junctions, all of which are matters of detail for consideration by the Railway Administration whose attention is being drawn to the article in question.

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know whether Government Members do not read articles in the newspapers concerning their departments, and whether they are not put before them by their own subordinates who, I think, have to read these newspapers, and report to them the comments which appear in the prominent papers ?

The Honourable Sir Muhammad Zafrullah Khan : Ordinarily, yes.

ASSAULT ON THE INHABITANTS OF A VILLAGE NEAR GARHA (JUBBULPORE) BY BRITISH SOLDIERS.

758. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that four British soldiers assaulted the inhabitants of a village near Garha, six miles from Jubbulpore ;
- (b) whether the assault was due to any action on the part of the villagers to protect some woman or women from assault by those soldiers ;
- (c) whether the military headquarters have made any enquiry into the facts of this case ; and
- (d) who made the enquiry, and what the result of the enquiry is ?

Mr. G. R. F. Tottenham : (a) No.

(b) Does not arise.

(c) Yes.

(d) I would refer the Honourable Member to the Press Communiqué on the subject issued on the 13th August, 1936.

REMEDIES TO MEET MOTOR COMPETITION WITH RAILWAYS. *

759. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article entitled, " Put your house in order ", in the *Amrita Bazar Patrika*, dated the 27th July ;
- (b) whether they have examined all the remedies adopted by the British Railways to meet motor competition ; and

- (c) whether they propose to adopt them here in this country, and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Yes.

(c) Similar action has been taken by Railway Administrations here according as circumstances have called for.

JUDGMENT OF MR. JUSTICE AMIR ALI REPRODUCED IN THE *Hindustan Times*.

760. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to a recent judgment of Mr. Justice Amir Ali, reproduced in the *Hindustan Times*, on Sunday, the 2nd August, 1936 ;
- (b) whether their attention has been drawn particularly to the following sentence in the judgment, " Unless some steps are taken to reform the system, I am convinced that the system will be destroyed, and I must confess, I consider it deserves to be destroyed " ; and
- (c) whether they propose to take any steps, in consultation with High Courts and Local Governments, to reform the system, and if not, why not ?

The Honourable Sir Nripendra Sircar : (a) and (b). Yes.

(c) The ' system ' complained of is the evil of solicitors' costs proving too heavy in certain cases. The matter is completely under the control of High Court, and no action either by Government or the Legislature is necessary.

NEGOTIATIONS FOR A FRESH TRADE AGREEMENT TO REPLACE THE OTTAWA TRADE AGREEMENT.

761. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) at what stage the negotiations for a fresh agreement to replace the Ottawa Agreement stand now ;
- (b) whether there is any idea of making a temporary arrangement, till the negotiations are completed for a fresh agreement, and if so, what they are ;
- (c) whether Mr. Stewart is to be deputed as a special officer to England for this purpose ; and
- (d) whether any non-official adviser will be associated with him, and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Local Governments and Administrations and representative commercial bodies in India have been consulted as to the lines on which it is considered desirable to conclude a new Trade Agreement with His Majesty's Government in the United Kingdom and the replies received are being scrutinised.

(b) The Honourable Member's attention is invited to the reply given by me to his starred question No. 452 in the current Session.

(c) and (d). The Honourable Member is referred to the Press Communiqué issued by the Commerce Department on the 31st August, 1936. The question of the appointment of India's Delegation to the United Kingdom has not yet been taken up by the Government of India.

Mr. S. Satyamurti : Are these replies from the Local Governments and local administrations being placed before the non-official advisers ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

Mr. S. Satyamurti : With reference to the answer to clauses (c) and (d), may I take it that Government have arrived at no conclusion on any of these matters, as to who is to be deputed, and when, where, etc. ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

NEGOTIATIONS FOR AN INDO-JAPANESE TRADE AGREEMENT.

762. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) at what stage the Indo-Japanese Trade talks stand today ;
- (b) what are the lines on which the negotiations are proceeding ; and
- (c) when the negotiations are expected to be completed ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (c). The Honourable Member is referred to the Press Communiqués on the subject recently issued by the Government of India, copies of which are in the Library.

Mr. S. Satyamurti : Is there no answer to clause (c) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : I think the Honourable Member has already put that question in one of his supplementaries on a previous question, and I said I am unable to specify any date on which the negotiations will be completed.

Mr. Mohan Lal Saksena : Is a copy of the communiqué available in the Library ?

The Honourable Sir Muhammad Zafrullah Khan : I believe so.

Mr. M. Ananthasayanam Ayyangar : How is it that Government have not constituted a committee on the lines of the committee appointed to consider suggestions to replace the Ottawa Agreement in the case of the Indo-Japanese talks ?

The Honourable Sir Muhammad Zafrullah Khan : There is no committee in the case of Ottawa either but there is a panel of non-official advisers in both cases.

EDITORIAL COMMENTS ENTITLED "STERLING LOAN" PUBLISHED IN THE *Indian Finance*.

763. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the editorial comments in *Indian Finance* of the 25th July, 1936, entitled "Sterling loan" ; and

(b) whether they propose to float a fresh loan, and if so, when ?

The Honourable Sir James Grigg : (a) and (b). I am not prepared to make any statement on this subject.

Mr. S. Satyamurti : May I know whether the fear or the inability is due to the Honourable the Finance Member's general disinclination to take any of us into his confidence, or is there any particular reason why he is unable to answer this question ?

The Honourable Sir James Grigg : There is a general reason and that is that in matters of taxation or raising loans, in fact in any matter on which the advance notice of Government's intentions can be taken advantage of by the market, I refuse to make any statement.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that in previous years contemplated loans were generally provided for in the budget and that has been the practice ?

The Honourable Sir James Grigg : No, Sir. A general idea of the amount of money which it may be necessary to borrow at some time during the year is given.

Mr. M. Ananthasayanam Ayyangar : Was it not indicated in the budget of the year before last as to whether a loan would be raised in India as a rupee loan or raised in England as a sterling loan, and details were given ?

The Honourable Sir James Grigg : No, it certainly was not.

Mr. S. Satyamurti : May I know why the Government made a statement yesterday, through my Honourable friend, which I think has caused some speculation ?

The Honourable Sir James Grigg : Not at all. It was intended to allay speculation.

INDIAN DELEGATION TO LONDON IN CONNECTION WITH THE CONCLUSION OF A TRADE AGREEMENT IN PLACE OF THE OTTAWA TRADE AGREEMENT.

764. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they propose to send an Indian delegation to London in connection with the conclusion of trade agreement in place of the Ottawa Pact ;
- (b) whether the views of the Local Governments and of the Chambers of Commerce have been asked for, and have been obtained on this question ;
- (c) whether they are preparing or will prepare a memorandum and send it to His Majesty's Government, and if so, when ;
- (d) whether they expect to hear from the British Government in return to the memorandum and if so, when ;
- (e) what action they propose to take at the stage of the receipt of this memorandum ;
- (f) whether further negotiations will be carried on in India ; and

(g) whether it has been pressed or will be pressed on His Majesty's Government that a delegation must proceed to India to negotiate for a fresh agreement, and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would draw the attention of the Honourable Member to the reply I gave in answer to a supplementary question put by him yesterday.

(b) Yes, Sir.

(c) to (f). In consultation with their un-official advisers whose names have recently been announced the Government of India will prepare their preliminary proposals and exchange them with the proposals of His Majesty's Government in the United Kingdom. When the Government of India has had an opportunity of examining the proposals of the other party in relation to its own a stage will be reached when it will be possible to formulate with some precision the outstanding issues. It is then proposed that personal contacts should be established between representatives of the Government of India and their un-official advisers on the one hand, and the representatives of His Majesty's Government on the other, and that the final stages of the discussions be there concluded.

(g) Government have been informed that His Majesty's Government in the United Kingdom are not in a position to send a Delegation to India.

Mr. S. Satyamurti : When was the Government of India so informed ?

The Honourable Sir Muhammad Zafrullah Khan : Recently.

Mr. S. Satyamurti : Have the Government of India, since the receipt of the intention of His Majesty's Government of their inability to send a deputation here, pressed on His Majesty's Government, the need for reconsidering the position and sending a deputation to India ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Prof. N. G. Ranga : Is it not a fact, with reference to part (b), that no peasants' associations have been asked to send their views with regard to this ?

The Honourable Sir Muhammad Zafrullah Khan : Everybody is welcome to send their views with regard to this.

Prof. N. G. Ranga : Why is it that whereas the Chambers of Commerce have been asked to send their views no peasants' associations have been called upon to send their views ?

The Honourable Sir Muhammad Zafrullah Khan : The Chambers of Commerce were asked because they are well established and well recognised bodies with a history behind them : the peasants' associations are in rather nebulous state at present.

Prof. N. G. Ranga : What does the Honourable Member mean by "well recognised" ?

The Honourable Sir Muhammad Zafrullah Khan : I am not a dictionary.

Prof. N. G. Ranga : Is the Honourable Member aware that several provincial peasants associations are as old as six years and have been functioning ?

The Honourable Sir Muhammad Zafrullah Khan : Six years in such a case, I am afraid, is not a very long period.

Prof. N. G. Ranga : How long would Government like an association to exist before it is called upon for an expression of views ?

The Honourable Sir Muhammad Zafrullah Khan : That is a hypothetical question. In any case it is not a question of time alone : it is also a question of organisation and how an association functions and so on.

Prof. N. G. Ranga : Have Government taken any steps at all to ascertain whether there are peasants associations or not in any particular province which deserved to be recognised by them and which deserve to be consulted by them ?

The Honourable Sir Muhammad Zafrullah Khan : If there had been any such organisation I can assure my Honourable friend that Government would have consulted it.

Mr. Huseinbhai Abdullabhai Laljee : May we know on what ground or basis the non-officials have been selected for inclusion in this committee ?

The Honourable Sir Muhammad Zafrullah Khan : On the basis of their representing certain interests.

Mr. Huseinbhai Abdullabhai Laljee : Are there any exporters in that non-official group ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say whether among that group there is anybody who actually carries on the business of an exporter, but I believe there are among them people who are interested in exports.

Mr. N. M. Joshi : May I ask which interests have been represented on this committee ?

The Honourable Sir Muhammad Zafrullah Khan : I am quite sure that the Honourable Member who has put this question is intelligent enough if he goes through the list of non-official advisers to decide for himself what interests they represent.

Mr. V. V. Giri : What about representatives of trade union organisations ?

The Honourable Sir Muhammad Zafrullah Khan : I have not said that every possible organisation in this country is represented.

Mr. V. V. Giri : Is it not an important organisation in the country ?

The Honourable Sir Muhammad Zafrullah Khan : Yes ; but obviously having regard to the size to which this panel must be confined, it is impossible for every organisation in the country to be represented.

Mr. Mohan Lal Saksena : May I know what interests the representative of the United Provinces represents ?

The Honourable Sir Muhammad Zafrullah Khan : There is no representative as such of the United Provinces.

Mr. S. Satyamurti : What according to the Government are the interests actually represented on this non-official board ?

The Honourable Sir Muhammad Zafrullah Khan : Commercial, industrial, agricultural, etc.

Mr. Mohan Lal Saksena : Is there any representative from the United Chamber of Commerce of the United Provinces ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has answered that already.

The Honourable Sir Muhammad Zafrullah Khan : Chambers of Commerce as such were not asked to nominate their representatives.

Mr. Mohan Lal Saksena : Has anybody been taken from the United Provinces ?

The Honourable Sir Muhammad Zafrullah Khan : I have already submitted the list to the House. Honourable Members can decide for themselves.

Mr. M. Ananthasayanam Ayyangar : Can we know whether the Government has placed any tentative proposals before the panel ?

The Honourable Sir Muhammad Zafrullah Khan : I gave detailed answers to these questions only yesterday.

ARTICLE ENTITLED "THE INDIAN STEEL INDUSTRY" PUBLISHED IN THE *Amrita Bazar Patrika*.

765. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a leading article, entitled "The Indian Steel Industry" in the *Amrita Bazar Patrika*, dated the 25th July ;
- (b) whether there is any proposal, to the knowledge of the Government, in which Tata Iron and Steel Company, Limited, The Indian Iron Steel Co., Ltd., and Bengal Iron Co., Ltd., are forming themselves into one concern ; and
- (c) whether they propose to take steps to see that the control of the important part of this key industry is not vested in non-Indian hands ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) Government have seen reports about the proposal in the Press.

(c) The attention of the Honourable Member is invited to Chapter III of Part V of the Government of India Act, 1935.

Mr. S. Satyamurti : I am not talking of the Act : I am asking the question, whether they propose to take steps to see that the control of the important part of this key industry is not vested in non-Indian hands.

The Honourable Sir Muhammad Zafrullah Khan : That is an entirely hypothetical question in view of my reply to part (b) of the question.

Mr. S. Satyamurti : May I know whether Government have made inquiries and found out which are the interests concerned in the Tata Iron and Steel Company, the Indian Iron and Steel Company, and the Bengal Iron Company ?

The Honourable Sir Muhammad Zafrullah Khan : It is not a question of making inquiries. If the Honourable Member wants information, it will be obtained if he puts down a question on the paper.

Mr. S. Satyamurti : Are there no non-Indian interests in these three concerns, that I have mentioned in clause (b) of my question ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will put down a question, the information will be supplied to him.

Mr. S. Satyamurti : This question, Sir, has been put down—parts (b) and (c) : I am asking whether Government have inquired and have satisfied themselves that, in these three concerns, there are non-Indian interests.

The Honourable Sir Muhammad Zafrullah Khan : I have said that in view of my reply to part (b), which was " Government have seen reports about the proposal in the Press " and which means that Government have no information themselves, the question of the Honourable Member becomes a hypothetical question.

Mr. S. Satyamurti : May I know why Government did not inquire after receiving this question, whether non-Indian interests were represented in these concerns ?

The Honourable Sir Muhammad Zafrullah Khan : There is no question to the effect whether non-Indian interests are represented in these three concerns. If the Honourable Member puts down a question, I will see if the information can be supplied.

Mr. S. Satyamurti : Do they not read these questions ? Parts (a) and (b) of the question have been before them, and they are explicit enough.

The Honourable Sir Muhammad Zafrullah Khan : And my reply is, there is no question on the point : at present the whole question is hypothetical.

BAN ON INDIAN STUDENTS IN GREAT BRITAIN.

766. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a leading article entitled " Ban on Indian students in Britain ", in the *Amrita Bazar Patrika*, dated the 26th July ;

(b) whether they have investigated or propose to investigate the facts stated in that article ; and

(c) whether they propose to take steps to prevent any such discrimination against Indians in England and if not, why not ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The High Commissioner for India has been asked for a report and the result will be communicated to the House in due course.

Mr. S. Satyamurti : When was the communication to the High Commissioner made ?

Sir Girja Shankar Bajpai : On the 31st August, 1936.

Mr. S. Satyamurti : Have not Government heard since then from him ?

Sir Girja Shankar Bajpai : No. If I had had any information, I should have submitted it to the House.

Mr. S. Satyamurti : When do they expect to hear from him ?

Sir Girja Shankar Bajpai : He has been asked to make a report as soon as he has ascertained the facts. I cannot say when that will be.

Dr. Ziauddin Ahmad : May I ask what is this ban on Indian students ?

Sir Girja Shankar Bajpai : It relates to an individual case of two Indian students having been refused admission into a post-graduate medical research hospital in Hammersmith.

RULES FOR CLASSIFICATION OF POLITICAL PRISONERS.

767. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article in the *Hindu*, dated the 23rd July, entitled "Political prisoners", regarding jail classification rules ;
- (b) whether they have examined the working of the rules of classification of Political Prisoners by Local Governments ;
- (c) whether they propose to take steps to ensure uniformity of treatment in the provinces in this matter ; and
- (d) whether they propose to take action on the suggestion that there should be one prison in each province, especially for Political Prisoners ?

The Honourable Sir Henry Craik : (a) I have seen the article.

(b) No specific examination has been made.

(c) Government have no information that the principles laid down by them are not being uniformly followed.

(d) No.

Mr. S. Satyamurti : Will Government consider the question of examining as early as they can find time, the working of these rules of classification by various Local Governments ?

The Honourable Sir Henry Craik : What particular point ?

Mr. S. Satyamurti : Especially with regard to securing uniformity in practice.

The Honourable Sir Henry Craik : Considering that in about six months from now, Local Governments will be the final authority on all jail matters, I do not really think that a specific examination would serve any useful purpose.

Mr. S. Satyamurti : I shall note that.

Mr. Mohan Lal Saksena : May I know if daily papers are supplied to B class prisoners in centrally administered areas ?

The Honourable Sir Henry Craik : I do not think that arises out of this.

Mr. Mohan Lal Saksena : Why not ? It relates to the treatment of prisoners.

Mr. President (The Honourable Sir Abdur Rahim) : It is very general.

TREATMENT OF CHETTIARS IN BURMA.

768. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the leading article, on the reply which the Governor of Burma gave to the Naitukottai Chettiars in Burma in the *Hindu* of the 23rd July ; and

(b) whether they have taken or propose to take steps to see that the Chettiars in Burma are treated at least with as much consideration as other non-Burman communities in Burma ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Government of India will do all they can to safeguard the legitimate interests of all Indians in Burma.

Mr. S. Satyamurti : May I ask for a specific answer to a specific question, whether the Government will take steps to see that the Chettiars in Burma are treated at least with as much consideration as other non-Burman communities in Burma ?

Sir Girja Shankar Bajpai : So far as the Government of India are aware, no action has yet been taken by the Government of Burma to give rise to the apprehension that they would be differentiated against.

Mr. M. Ananthasayanam Ayyangar : What is the latest position regarding the attitude of the Burma Government regarding the lands purchased by the Chettiars of Madras in Upper Burma ?

Sir Girja Shankar Bajpai : I knew that the Honourable Member might put that question even though it does not specifically arise out of this. The position as regards that is that the Chettiars in Burma had an interview with His Excellency the Governor and also with the Finance Member. The Finance Member promised to look into the matter. He has called for reports which were expected at the end of September, and the Government of India hope to hear shortly what the Local Government propose to do in the matter.

Mr. Sri Prakasa : When does the end of this mystic September come ? (Laughter.)

Sir Girja Shankar Bajpai : It has gone, but unfortunately there has not been enough time between the end of September and now for the Government of India and the Government of Burma to consider the matter. (Laughter.)

INTERVIEW GIVEN BY SIR HOMI MEHTA TO THE *Manchester Guardian* REGARDING INDIAN COTTON INDUSTRY.

769. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to an interview given by Sir Homi Mehta, a leading Bombay mill-owner to the *Manchester Guardian* in London and reproduced in the *Amrita Bazar Patrika* of the 21st July, regarding causes of the decline of the Indian cotton industry ; and
- (b) whether they have examined or propose to examine the facts and allegations contained therein, and whether they propose to take steps to redress the grievances ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) The question of assisting Indian mills to develop the weaving of cloth from Staple Fibre was examined early in 1936 and I would invite the attention of the Honourable Member to the Statement of Objects and Reasons attached to the Indian Tariff (Amendment) Bill, 1936, which contained a provision for the reduction of the import duty on this fibre. As the Honourable Member is aware the clause was omitted by the Select Committee on the Bill. With regard to the other points raised by Sir Homi Mehta, the Honourable Member is referred to the Government of India, Commerce Department, Resolution No. 341-T. (10)/36, dated the 25th June, 1936, on the Report of the Special Tariff Board on the cotton textile industry, and to my speech in this House on the 2nd September, 1936, in connection with the Adjournment Motion by Mr. T. S. Avinashilingam Chettiar on the subject.

ALL-INDIA VILLAGE INDUSTRIES ASSOCIATION.

770. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they have re-examined their attitude towards the All-India Village Industries Association in the light of its working for the last year and more ;
- (b) whether they have perused the report on the work of that association ;
- (c) whether they have found anything political or objectionable in their work ;
- (d) whether they are prepared now to issue a fresh circular calling upon all Local Governments and District Officers to co-operate with the work of that Association, and if not, why not ?

The Honourable Sir Henry Craik : (a) to (c). The information in my possession is that comparatively little actual work has been accomplished by the All-India Village Industries Association and Government have therefore as a matter of fact had no occasion to re-open the question.

(d) I would refer the Honourable Member to the answer given by me on the 8th September to parts (c) and (d) of his question No. 206.

Mr. S. Satyamurti : With reference to the answer to clauses (a), (b) and (c) of the question, may I know whether the information in possession of the Honourable the Home Member gives any support to the apprehensions of the Government, when they issued the Hallett circular that this association was really intended to promote political or subversive activities against the Government ?

The Honourable Sir Henry Craik : As I said, the information in my possession is that comparatively little actual work has been done by the Association, and in those circumstances it would be premature to say that the view taken in what the Honourable Member refers to as the Hallett circular is necessarily wrong.

Mr. S. Satyamurti : But have the Government any information to justify them in the view that the apprehensions entertained by the Government have been proved true so far, to any extent at all ?

The Honourable Sir Henry Craik : So far, the very small results achieved by the Association go to show that there does not appear to be anything politically objectionable about its activities.

Mr. S. Satyamurti : In view of that frank answer, if I may say so respectfully, may I ask my Honourable friend to be good enough to reconsider and withdraw this circular altogether ?

The Honourable Sir Henry Craik : I have already explained that the circular contained no specific directions as to the action to be taken by Government or its officers towards this Association, and that a later instruction was given that if any request for assistance or advice was made by the Association to any officer of the Government, that would be dealt with on its merits. In those circumstances I do not see that there is anything to withdraw.

DRAFT OF THE INSTRUMENT OF ACCESSION OF INDIAN PRINCES.

771. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that a draft of the general portion of the Instrument of Accession of Indian Princes to the Indian Federation has been received by them ;
- (b) whether they have knowledge that it has been received by the *Statesman's* representative in Simla ;
- (c) what is the final form in which the Instrument will be submitted for signature to the Indian States ;
- (d) whether they have seen the draft published in the *Statesman* of the 27th July ;
- (e) whether that draft is accurate ;
- (f) whether this draft has been sent to the Indian Princes ;
- (g) whether any replies have been received from them ; and
- (h) at what stage the negotiations between the Princes and the Government of India stand in this matter ?

The Honourable Sir Nripendra Sircar : (a) Yes ; it was released to the Press on the 15th August, 1936. A copy of the Press Communiqué is placed on the table of the House.

(b) No.

(c) It is not possible to determine this till the contents of the Schedules are settled.

(d) Yes.

(e) No.

(f) and (h). The draft general clauses of the Instrument of Accession have been transmitted to the States and Special Officers have been appointed who will visit the Indian States in order to elucidate such points of doubt or difficulty as the Rulers may encounter in their consideration of the draft Instrument of Accession.

(g) No.

Press Communiqué.

A provisional draft Instrument of Accession was published in Command Paper No. 4843. It has since been revised in light of Government of India Act, 1935 and of various criticisms upon it. The revised form reproduced below is being circulated to Indian States individually with a view to early discussion with Rulers :

INSTRUMENT OF ACCESSION of _____
(insert full name and title).

WHEREAS proposals for the establishment of a Federation of India comprising such Indian States as may accede thereto and the Provinces of British India constituted as autonomous Provinces have been discussed between representatives of His Majesty's Government, of the Parliament of the United Kingdom, of British India and of the Rulers of the Indian States.

AND WHEREAS those proposals contemplated that the Federation of India should be constituted by an Act of the Parliament of the United Kingdom and by the accession of Indian States.

AND WHEREAS provision for the constitution of a Federation of India has now been made in the Government of India Act, 1935, but it is by that Act provided that the Federation shall not be established until such date as His Majesty may by Proclamation declare and such declaration cannot be made until the requisite number of Indian States have acceded to the Federation.

AND WHEREAS the said Act cannot apply to any of my territories save by virtue of my consent and concurrence signified by my accession to the Federation.

NOW THEREFORE

(insert full name and title).

[Ruler of.....] (insert name of State).

In the exercise of my sovereignty in and over my said State

For the purpose of co-operating in the furtherance of the interests and welfare of India by uniting in a Federation under the Crown by the name of the Federation of India with the Provinces called Governors' Provinces and with the Provinces called Chief Commissioners' Provinces and with the Rulers of other Indian States

Do hereby execute this my INSTRUMENT OF ACCESSION

and

1. I HEREBY DECLARE that subject to His Majesty's acceptance of this Instrument, I accede to the Federation of India as established under the Government of India Act, 1935 (hereinafter referred to as "the Act") with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature,

the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to the State of..... (hereinafter referred to as "this State") such functions as may be vested in them by or under the Act.

2. I HEREBY ASSUME the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I ACCEPT the matters specified in the First Schedule hereto as the matters with respect to which the Federal Legislature may make laws for this State, and in this Instrument and in the said First Schedule I specify the limitations to which the power of the Federal Legislature to make laws for this State, and the exercise of the executive authority of the Federation in this State, are respectively to be subject.

Where under the First Schedule hereto the power of the Federal Legislature to make laws for this State with respect to any matter specified in that Schedule is subject to a limitation, the executive authority of the Federation shall not be exercisable in this State with respect to that matter otherwise than in accordance with and subject to that limitation.

4. THE particulars to enable due effect to be given to the provisions of Sections 147 and 149 of the Act are set forth in the Second Schedule hereto.
5. REFERENCES in this Instrument to laws of the Federal Legislature include references to Ordinances promulgated, Acts enacted and laws made by the Governor-General of India under Sections 42 to 45 of the Act inclusive.
6. NOTHING in this Instrument affects the continuance of my sovereignty in and over this State or, save as provided by this Instrument or by any law of the Federal Legislature made in accordance with the terms thereof, the exercise of any of my powers, authority and rights in and over this State.
7. NOTHING in this Instrument shall be construed as authorising Parliament to legislate for or exercise jurisdiction over this State or its Ruler in any respect.

Provided that the accession of this State to the Federation shall not be affected by any amendment of the provisions of the Act mentioned in the Second Schedule thereto, and the references in this Instrument to the Act shall be construed as references to the Act as amended by any such amendment; but no such amendment shall, unless it is accepted by the Ruler of this State in an Instrument supplementary to this Instrument, extend the functions which, by virtue of this Instrument, are exercisable by His Majesty or any Federal authority in relation to this State.

8. THE Schedules hereto annexed shall form an integral part of this Instrument.
9. THIS Instrument shall be binding on me as from the date on which His Majesty signifies his acceptance thereof, provided that if the Federation of India is not established before the day of Nineteen hundred and , this Instrument shall, on that day, become null and void for all purposes whatsoever.
10. I HEREBY DECLARE that I execute this Instrument for myself, my heirs and successors, and that accordingly any reference in this Instrument to me or to the Ruler of this State is to be construed as including a reference to my heirs and successors.

THIS INSTRUMENT OF ACCESSION (then follows the attestation to be drawn with all due formality appropriate to the declaration of a Ruler).

Additional Paragraphs for Insertion in Proper Cases.

- A. WHEREAS I am desirous that functions in relation to the administration in this State of laws of the Federal Legislature which apply therein shall be exercised by the Ruler of this State and his officers and the terms of an agreement in that

behalf have been mutually agreed between me and the Governor-General of India and are set out in the Schedule hereto :

NOW THEREFORE I hereby declare that I accede to the Federation with the assurance that the said agreement will be executed and the said agreement when executed shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

B. THE provisions contained in Part VI of the Act with respect to interference with water supplies, being Sections 130 to 133 thereof inclusive, are not to apply in relation to this State.

C. WHEREAS notice has been given to me of His Majesty's intention to declare in signifying his acceptance of this my Instrument of Accession that the following areas

are areas to which it is expedient that the provisions of sub-section (1) of Section 294 of the Act should apply :

NOW THEREFORE I hereby declare that this Instrument is conditional upon His Majesty making such a declaration.

S. C. BISWAS,

Assistant Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT ;
Simla, the 15th August, 1936.

Mr. S. Satyamurti : With reference to the answer to clause (h) of the question, may I know from my Honourable friend, under whose instructions, these points of doubt and difficulty will be cleared up, and whether any general principles have been laid down by the Government of India ?

The Honourable Sir Nripendra Sircar : Doubts and difficulties will be put forward before the officers by the Ruler concerned and if it is possible for the officer to elucidate the points he will do so. No general principles have been laid down.

Mr. S. Satyamurti : May I know whether, in respect of doubts and difficulties with regard, for example, to the subjects to be included in the federal list, in respect of each State, and secondly, with regard to the agency for the administration of such subjects in the States,—Government have laid down, or propose to lay down any general principles ? Or, do they propose merely to deal with each question as it arises ?

The Honourable Sir Nripendra Sircar : The latter part of the assumption is correct.

Mr. S. Satyamurti : May I know whether Government have laid down a minimum, below which the Government will not accept any instrument of accession, in respect either of the subjects to be made federal or of the agency to administer them ?

The Honourable Sir Nripendra Sircar : To the best of my belief each case will be considered on its merits. No general principles have been laid down.

Mr. S. Satyamurti : May I know whether the interests of the people of British India, who are also to be a party to the Federation, will be borne in mind by the Government, in helping these Princes to solve these doubts and difficulties ?

The Honourable Sir Nripendra Sircar : That will be borne in mind and that has been borne in mind without any unnecessary reminder by means of a supplementary question.

Mr. S. Satyamurti : I am thankful for its being said to be an unnecessary reminder ; but may I know what is the means which is available to the Government, by which they ascertain British Indian public opinion on this matter ?

The Honourable Sir Nripendra Sircar : Which matter ?

Mr. S. Satyamurti : That is to say, on the matter of securing the interests of British Indians in the proposed Federation *vis-a-vis* the Indian States.

The Honourable Sir Nripendra Sircar : I think that the materials are only too voluminous. We have had discussions at the Round Table Conferences, subsequent representations were made, and there is no lack of material to ascertain what British India wants.

Mr. S. Satyamurti : May I say this question was never discussed at any Round Table Conference ? The question of the proposed reservation of subjects by an individual State has not been discussed anywhere so far, and I ask my Honourable friend to tell us what are the means at the disposal of the Government, by which they propose to ascertain British Indian public opinion on these matters, which are now arising and may hereafter arise.

The Honourable Sir Nripendra Sircar : That must depend on what questions do arise. I cannot answer hypothetically what Government will do when a particular question is put up before them.

Mr. S. Satyamurti : I am simply asking,—each State is allowed under the Act to reserve subjects for itself and for the federal authority and also to decide the agency—I am asking, in view of the fact that, neither of these subjects has ever been discussed, what are the means by which Government propose to ascertain British Indian opinion, as to the advisability of accepting these reservations or otherwise ?

The Honourable Sir Nripendra Sircar : I think it is safe to assume that so far as British Indian view or opinion is concerned they will have as little reservation as possible.

Mr. S. Satyamurti : May I take it that the Government of India accept that position, that is to say, that they will not allow any Indian Prince to reserve any subject or to reserve its administration through his own agency, from this point of view that it should be as little as possible in every case ?

The Honourable Sir Nripendra Sircar : That must be a matter of opinion—as to what is as little as possible or as large as possible in a given set of circumstances.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

TENDERS FOR THE RE-BUILDING OF QUETTA.

772. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether tenders have been accepted for the rebuilding of Quetta ;
- (b) if so, who these tenderers are—Indian or European ;
- (c) whether any non-Indian materials are being used in the reconstruction of Quetta and if so, what and why ?

- (d) who is the officer in charge of the re-construction of Quetta ;
- (e) whether any Indian Civil Engineers have been put in charge of this work, and if not, why not ;
- (f) whether any executive or assistant engineers or other gazetted officers have been put in charge of this work and, if not, why not ; and
- (g) whether they propose to take steps to see that the construction of at least of all civil works should be in charge of Indian gazetted officers, executive engineers and so on ?

Sir Aubrey Metcalfe : (a) Yes, for all work that is being taken in hand immediately.

- (b) Contracts Group I. Messrs. Gammon and Co.,
- Contracts Group II. Messrs. Martin and Co.,
- Contracts Group III. Messrs. Hindustan Construction Co., Ltd.,
- Contracts Group IV. Messrs. Hindustan Construction Co., Ltd.,
- Contracts Group VI. All-India Construction Co., Ltd.,
- Construction Group VII. Messrs. Krishan Lall Malhotra and Brothers.

(c) Indian materials are being used wherever suitable and available. Government are supplying such articles as cooking appliances, ovens, etc., of European manufacture, these not being obtainable in India

(d) The Engineer-in-Chief, Army Headquarters.

(e) No, since the existing Military Engineer Services Staff is available and adequate.

(f) Yes.

(g) All Civil Public Works in Quetta with the exception of those constructed by the Municipality are in charge of the Military Engineer Services. This arrangement has been in existence for many years, and for several reasons, including economy, it is not proposed to change it now. Three Indian Assistant Engineers are, however, already employed at Quetta on reconstruction work.

Mr. S. Satyamurti : I am sorry I did not follow the answer. It was read out fairly rapidly. May I know, with reference to clause (b) of my question, how many Indian and European tenderers are there ?

Sir Aubrey Metcalfe : I gave the names. It is not possible to say whether they are entirely European or Indian by their names. I should gather that certainly four of them are Indian and as regards the other two, Messrs. Gammon and Co. and Messrs. Martin and Co., I do not know how far the directorate is Indian or European.

Mr. S. Satyamurti : What is the total value of the non-Indian materials, which are being supplied by the Government for this reconstruction work ?

Sir Aubrey Metcalfe : I am afraid I must ask for notice.

Pandit Lakshmi Kanta Maitra : What is the value of the different species of tenders given to Indians and non-Indians ?

Sir Aubrey Metcalfe : I must have notice of that too.

Mr. M. Asaf Ali : May I know if these tenders were accepted on the basis of the lowest tenders or otherwise ?

Sir Aubrey Metcalfe : There again I must ask for notice. None of these questions have been asked and I cannot be expected to remember all these details without notice.

Mr. T. S. Avinashilingam Chettiar : May I know whether the materials were purchased direct or through the Indian Stores Department ?

Sir Aubrey Metcalfe : Same answer.

Mr. Lalchand Navalrai : May I know from the Honourable Member who is the final authority who accepts the tenders ?

Sir Aubrey Metcalfe : I think I have answered that. I think it is the Engineer-in-Chief, Army Headquarters.

Mr. Lalchand Navalrai : Is there any remedy for dissatisfied tenderers and if so, what ?

Sir Aubrey Metcalfe : No remedy that I know of.

DATES FOR THE ELECTIONS TO THE PROVINCIAL LEGISLATURES.

773. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether they have been informed by the various Provincial Governments of the dates of the Provincial elections next year ; and

(b) whether they have expressed their approval of the same, and what these dates are ?

The Honourable Sir Nripendra Sircar : (a) We have from time to time received provisional programmes for the elections to the new provincial legislatures, but the matter is one to be determined by each Local Government with reference to the conditions prevailing in their respective provinces.

(b) Does not arise.

Mr. S. Satyamurti : May I know whether Government have considered, or will consider the possibility and desirability of informing Local Governments that, as far as possible, elections should be over before this House meets again for the Delhi Session ?

The Honourable Sir Nripendra Sircar : I shall bring the suggestion to the notice of the Local Governments.

Mr. S. Satyamurti : May I know if the Honourable Member will be good enough to add a recommendation in favour of that course ?

The Honourable Sir Nripendra Sircar : I do not like to add a recommendation which may not be accepted.

Mr. S. Satyamurti : Will Government impress upon them the desirability of finishing the provincial elections as far as possible, before this House meets again ?

The Honourable Sir Nripendra Sircar : I shall point out that this is the point of my friend's supplementary question.

Mr. S. Satyamurti : I am not the Government.

The Honourable Sir Nripendra Sircar : Nor am I.

Pandit Lakshmi Kanta Maitra : Has the Honourable Member heard from the Provincial Governments about their provisional dates ?

The Honourable Sir Nripendra Sircar : They were published in the newspapers. I have not got them with me.

Prof. N. G. Ranga : Will Government ask the Local Governments to follow the usual practice of having general elections all over India on one date ?

The Honourable Sir Nripendra Sircar : I am quite prepared to forward the suggestion but I do not know how far it is possible to give effect to it.

Prof. N. G. Ranga : Will Government consider the advisability of suggesting to the Madras Government to follow the former practice which was much more convenient to the general public ?

The Honourable Sir Nripendra Sircar : The Local Government is in a much better position to arrive at a decision having regard to local circumstances.

Qazi Muhammad Ahmad Kazmi : The U. P. Government have fixed the 8th and 9th February for the election to the Provincial Legislative Assembly and that will be exactly the time when the Legislative Assembly will be in session. Will Government consider the advisability of asking the U. P. Government to have the elections earlier—by the end of January.

The Honourable Sir Nripendra Sircar : There may not be any possible date when my Honourable friend can serve two masters.

Mr. S. Satyamurti : I would really ask my Honourable friend to consider this subject seriously. Under the Government of India Act, 1935, the Federal Assembly will consist of members who are returned from these local assemblies. Will he, therefore, address the Government of Madras on this matter ?

The Honourable Sir Nripendra Sircar : You may have much more influence in Madras than myself.

FEELINGS OF MUSLIMS ON THE HAPPENINGS IN PALESTINE.

774. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the strong feeling of Indians and especially of Musalmans on the happenings in Palestine ;

(b) whether they have brought this feeling to the notice of His Majesty's Government ; and

(c) if so, with what result ?

The Honourable Sir Henry Craik : (a) and (b). I would refer the Honourable Member to the reply given by me on the 11th September to Mr. Asaf Ali's question No. 334.

(c) I am not in a position to make any statement in the matter.

Mr. S. Satyamurti : Are Government aware that martial law has now been proclaimed in Palestine ?

The Honourable Sir Henry Craik : An Order-in-Council to that effect appeared in the newspapers this morning.

Mr. S. Satyamurti : Have the Government of India taken any steps to represent to His Majesty's Government the strong feeling of Indians on this matter ?

The Honourable Sir Henry Craik : Yes, I have said so already.

Mr. S. Satyamurti : When did they send their last communication ?

The Honourable Sir Henry Craik : I cannot remember the exact date of any communication but communications are constantly passing.

Mr. S. Satyamurti : Since the Order-in-Council was passed, have Government taken any steps to bring to the notice of His Majesty's Government that their handling of the Palestine situation is likely to have very bad effects upon public feeling in India ?

The Honourable Sir Henry Craik : You mean the Order-in-Council that was published this morning ?

Mr. S. Satyamurti : Yes.

The Honourable Sir Henry Craik : No.

Mr. S. Satyamurti : Have Government taken any steps to bring to the notice of His Majesty's Government that Indian public opinion desires a better and a more harmonious solution of this problem, than the wielding of the big stick ?

Mr. K. Ahmed : In view of the fact that Lord Hardinge, *ex-Viceroy* of India, in the year, just after the war, in 1917, before the Balfour declaration placed himself on behalf of the Government of India and Secretary of State and gave an undertaking, do Government propose to see that the vow and the pledge and the solemn affirmation which they gave on behalf of Great Britain to the people of India and the Muhammadans of the world that they will not interfere with the Arabs enjoying their rights in their country, which is called the Jazirat-ul-Arab which includes Palestine and that Syria which was under the mandate of the French has already been freed from their interference ?

Sir H. P. Mody : The Honourable Member has exceeded his time limit. (Laughter.)

Mr. K. Ahmed : In view of the fact that Palestine did not receive just treatment and that adjournment motions and a number of questions have been disallowed in this House by the successor of Lord Hardinge

.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the Honourable the Home Member has been able to follow this question. I must impress it on the Honourable Member, Mr. Kabeer-ud-Din Ahmed, that if he wishes to obtain any information on any particular question, he must make his questions as short and concise as possible.

FUTURE RECRUITMENT AND CONTROL OF THE INDIAN CIVIL SERVICE.

775. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article entitled ' Role of the I. C. S.' in the *Hindu* of the 28th July ;
- (b) whether their attention has been drawn particularly to the criticism of the *Hindu* in the following sentence : " Here again the implicit assumption is that this predominance of the I. C. S., particularly of the British element thereof, in the District administration will continue intact for as long as we need care to look ahead " ;
- (c) whether their attention has been drawn also to the other criticism that the safeguards in the new constitution might easily encourage the Indian Civil Service to overstep the bounds of their authority and usurp powers which should properly be exercised by the Ministers ; and
- (d) whether they have definitely dropped the proposal adumbrated in the White Paper on reforms that an enquiry as to the future recruitment and control of the Indian Civil Service should be held within five years of the introduction of the new Constitution and if so, why ?

The Honourable Sir Henry Craik : (a) to (c). Yes.

(d). No, but as explained in the Home Department Press Communiqué, dated the 4th September, 1936, the enquiry will be held at a date not less than five years after the introduction of Provincial Autonomy and not within five years as stated by the Honourable Member.

Mr. S. Satyamurti : May I know the distinction between the two ?

The Honourable Sir Henry Craik : If the Honourable Member will look at paragraph 72 of the White Paper, paragraph 189 of the White Paper and then look at paragraph 298 of the Report of the Joint Select Committee, he will see the point. The White Paper recommended that it should be five years after the inauguration of Provincial Autonomy. The Joint Select Committee did not wish to pin down the Government to the exact date and said that it should not be less than five years.

Mr. S. Satyamurti : May I take it that the inquiry will be held any time after five years—ten years, fifteen years ?

The Honourable Sir Henry Craik : It will not be less than five years after the introduction of Provincial Autonomy.

Mr. S. Satyamurti : May I know then that the Government are not considering the question—because five years will take a lot of time yet ?

The Honourable Sir Henry Craik : It is not for this Government to decide ; it is to be a parliamentary investigation.

MOTION FOR ADJOURNMENT.

CONTROL OF THE SOLDIERS ON THE FOOTBALL GROUND AT ANNANDALE.

Mr. President (The Honourable Sir Abdur Rahim) : I have received 12 NOON. notices of adjournment motions in connection with the football matches in Simla, of practically the same purport. This is a notice by Pandit Lakshmi Kanta Maitra who wants to move the adjournment of the business of the House today to consider a definite matter of urgent, public importance, viz. :

“ Failure of the Defence Department of the Government of India to take proper steps for the control of the soldiers on the football ground at Annandale, Simla, yesterday, when, following a football match between an Indian team and a military one, the soldiers assembled there indiscriminately assaulted unarmed by-standers and onlookers including boys causing serious injuries.”

Is there any objection ?

The Honourable Sir Nripendra Sircar (Leader of the House) : Yes, Sir. I draw your attention to a previous ruling, No. 28, at page 29 of the “ Decisions from the Chair ”, which is as follows :—“ On the 16th July, 1930, Mr. Nehal Singh sought to move the adjournment of the House to discuss the beating of Congress volunteers by the police on the Simla Mall. Mr. Haig, speaking on behalf of Government, objected on the ground that the matter was not of sufficient public importance and suggested that the matter could be more conveniently dealt with by question and answer.

The President, upholding the objection, ruled as follows :

“ I quite agree with my Honourable friend, Dr. Nand Lal, that at this stage we need not go into the details of the case but should confine ourselves only to the constitutional issue of the motion before the House.

The matter to which this Motion relates is, no doubt, a definite one, and also a matter of recent occurrence. But the mere fact of its being definite and of recent occurrence is not sufficient for allowing a discussion on the motion. It must also be shown that it is ‘ urgent ’ and of ‘ public importance ’.

The action of ‘ pushing ’ and ‘ beating ’ by ‘ two European Police Officers at Simla ’ of ‘ two Congress volunteers ’, howsoever objectionable, unwarranted and undesirable it may be, cannot by any stretch of imagination be called ‘ urgent ’ and of ‘ public importance ’.

Motions for adjournment are meant for obtaining an immediate debate on grave and serious matters, which cannot otherwise be immediately and effectively dealt with, and the very object of such motions will be lost if they are permitted to assume the character of an ordinary course of action of every-day occurrence.”

Now, Sir, I rely on this principle. I submit that if there have been any assaults, the remedy is in the police courts.

Mr. President (The Honourable Sir Abdur Rahim) : The motion mentions “ serious injuries ” ?

The Honourable Sir Nripendra Sircar : That is a question of merits ; I am not going into that.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member any information ? It is a question of importance.

The Honourable Sir Nripendra Sircar : According to our information, there have not been any indiscriminate assaults. (Voices : No, no, no, no.” “ Oh ! Oh ! ”) I am giving my information, and my friends

[**Sir Nripendra Sircar.**]

say, "Oh, oh". I have got information that one boy has been injured. I take a lot of personal interest in the matter—I can assure my friends. My information is—I may be entirely wrong—that one boy has been injured and that he is not in a serious condition. My information is that the collar bone has either been injured or broken; and I have no information of any indiscriminate assaults on by-standers.....

Mr. President (The Honourable Sir Abdur Rahim) : and of serious injuries ?

The Honourable Sir Nripendra Sircar : That is a matter of going into the merits.

Mr. President (The Honourable Sir Abdur Rahim) : Has any person died as a result of injuries ? (*Voices* : "Yes, yes.")

The Honourable Sir Nripendra Sircar : But I have no information. When did he die ?

Sardar Sant Singh (West Punjab : Sikh) : I am informed that he died this morning.

The Honourable Sir Nripendra Sircar : Are you certain ?

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Yes.

The Honourable Sir Nripendra Sircar : I have no information.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, to use the language of my Honourable friend, the Leader of the House, matters of public importance must really be matters of public importance. I quite agree that the Honourable the President did say that the "pushing" and "beating" as he calls it by two European Police Officers at Simla of "two Congress volunteers" did not strike him as a matter of public importance, but the language of the motion clearly points to a very grave breach of peace committed by men who are employed for the purpose of protection. (*A Voice from the Official Benches* : "alleged to be committed.") And not only that but with reference to the previous incidents which I wish to remind this House of, the unlicensed nature of the acts of this class of people is certainly a matter of much graver importance and of much more public importance than the mere incidents which formed the subject-matter of the motion : I remember that was *sub-judice*.

The Honourable Sir Nripendra Sircar : This will be *sub-judice*. (*An Honourable Member* : "Not yet.")

Mr. Bhulabhai J. Desai : I am saying that the ground on which that particular discussion was not allowed was that at that time the matter was *sub-judice*, and therefore I have not yet known that a matter which may not yet be *sub-judice* is barred from discussion.

The Honourable Sir Nripendra Sircar : It is *sub-judice* now.

Mr. Bhulabhai J. Desai : My friend has not stated that as an objection. He merely says.....

Mr. President (The Honourable Sir Abdur Rahim) : Has any man died as a result of the injuries ?

The Honourable Sir Nripendra Sircar : I did not know that the man is dead ; I want to inquire now. If he is dead, surely.

Mr. Bhulabhai J. Desai : The point, I submit, which the Chair is called upon to decide now upon the objection raised is whether this a matter of public importance or not. The objection raised is that it is not.

Mr. President (The Honourable Sir Abdur Rahim) : As objection has been raised, Honourable Members who wish that leave should be granted should rise in their places.

(More than twenty-five Members then rose.)

Very well, the motion will be taken up at 4 o'clock.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House) : Will you allow me, Sir, to make a statement of the business.

You are aware, that the latest date hitherto appointed for a sitting of the House is the 8th October. The unexpected prolongation of the discussions on the Company Bill and the considerable volume of other business requiring to be disposed of before we disperse constrain me to request you to direct the House to sit for the transaction of official business on Friday, the 9th, and Saturday, the 10th October and for so many days beginning with Monday, the 12th October, as may be necessary to complete essential business. I can hold out little hope of essential business being completed before Saturday, the 17th October, and even so the business left over for Delhi will inevitably be formidable. In view, however, of the commencement of the Puja holidays on the 19th October, I do not propose to suggest that the House should in any event sit on a day later than Saturday, the 17th October. (*Voices* : Let us have night Sessions.)

Mr. President (The Honourable Sir Abdur Rahim) : I direct that the House will sit as proposed by the Leader of the House.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muham-madan Rural) : Cannot we do the business in a more expeditious manner by sitting longer hours or otherwise ?

Mr. President (The Honourable Sir Abdur Rahim) : We are doing that.

Mr. Bhulabhai J. Desai : I am not denying that you are doing your best.

The Honourable Sir Henry Craik (Home Member) : Curtail your speeches.

Mr. Bhulabhai J. Desai : I am afraid the Honourable the Home Member has selected a very wrong person for making that suggestion. He may have some jibes against some Members and they can square matters with him. But so far as I am concerned, I have done my best to assist the House in expediting the business. Therefore, may I request that, while your order stands, you will assist us by accepting such suggestions as we can make to shorten the duration which may, if necessary, extend to the period which you have announced.

Mr. President (The Honourable Sir Abdur Rahim) : If I have to ask the House to sit on Saturdays, it will be very difficult for me to expect the Honourable Members to sit every day from now till 6 o'clock. But I will do my best to help the House in getting through the business. That is all I can say.

RESOLUTION *RE* INTERFERENCE FROM PUBLIC SERVANTS IN
THE ENSUING ELECTIONS.

Dr. Khan Sahib (North-West Frontier Province : General) : Sir, last time, when I was addressing the House, I was saying that it was an important matter, and I say the same again, because, by the provincial elections, we are going to select people who will conduct the business of the province, though I myself do not believe in it. Government say that the provinces will become autonomous and the elected people will be responsible for their actions to the country. Now, Sir, I want the Honourable Members to listen to me patiently. I will just describe to them the facts which I have seen myself and nothing more, because I have not got enough time to describe all the events that have happened on the Frontier. I will ask especially those gentlemen, I mean the Knights—I should not call them the Knights of the Round Table—because, I am sure, if Sir Lancelot or Sir Galahad were here, they would not approve of it, to listen to me.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Will you move the Resolution first ?

Dr. Khan Sahib : Especially I would request the gentleman whose entertainments in this House are the side-show we do not pay for, I will now proceed straight to the facts. I went to Bahadar Kale, which is a village in Peshawar Tahsil, to address a meeting in the afternoon. There were about 6,000 people there. Before I arrived there, the Police had taken away the flags from our workers. They had stopped them to beat drums which they were doing to inform the people ; as they went to the place of meeting, they had put two men under arrest. When I arrived there, the meeting started. Three or four people who were retired pensioners and relations of an Honorary Magistrate, who has been created by the Government in that constituency in order to secure votes for their candidates, began to create disturbances. They abused some of the people and, believe me, the Police Sub-Inspector came up straight to the stage where I was presiding and he had the courage to tell me that the meeting should now be dispersed. I told him that I was responsible for the peace of that meeting and that no disturbance could be caused by a handful of people who are induced or instigated to cause disturbances. I told him to keep quiet and if anything untoward happened he can use his authority. Sir, I addressed the meeting. Those people ran about and abused but afterwards they got tired because nobody took any notice of them. This is a special point that I wish to bring to the notice of the House. The police in a meeting ought to be for keeping the peace and not for provoking the people to create disturbances. It was the duty of the police to arrest those people who were creating disturbances but they took no notice of them. Afterwards, when I was returning, there was a man with me in the tonga. The Sub-Inspector came to me and asked for his name. I said that I was not going to give him the name. Then, he said that,

according to the Tranquillity Act, he had the power to arrest the man. I told him he could do that, but he did not have the courage to arrest him. Afterwards we left the place and there was no disturbance. Then, Sir, on the 1st of July, 1936, when I left for Kohat, we had announced a meeting at Peshawar on the 3rd July, under the auspices of the City Parliamentary Board.....

Mr. President (The Honourable Sir Abdur Rahim) : Was it in connection with the elections ?

Dr. Khan Sahib : Yes, the meetings were in connection with the election campaign. I went to Kohat to address a meeting and the Senior Superintendent of Police sent a letter to the Secretary of the City Parliamentary Board saying that we could not take out a procession in Peshawar without taking a licence under section 30 of the Police Regulations. Immediately our Secretary applied for a licence and what did he receive ? Not the sanction but section 144. He sent me a telegram at once but it was never delivered to me. Such telegrams are generally mislaid for reasons, I could not explain. I went to Iachi from Kohat where, before my arrival the Police had taken good care to frighten the people on the streets and had told them that the Doctor was coming to address them and they must not go to the meeting. But the people did come and I addressed them. Then, I went to Karak. The Parliamentary Board of Tehri Tahsil had arranged a meeting there, the pensioners and some of the loyalists had collected there also. They first went to the Police and informed them that my presence there would create a disturbance. Then they went round to nearly every house in Karak telling the people that they should not come to my meeting, but when I arrived there all of them came to the meeting collectively. These pensioners told me not to mention certain things in the meeting. They were all collected in the house of a gentleman whom the Honourable the Foreign Secretary knows very well and who had provided *pulao* for them and they had come to that place to create disturbances. We had the meeting, it was very largely attended, and it continued for nearly six hours, those so-called loyalists had brought some dancing boys, and they were beating drums just a little distance away from us in order to attract the people to their side, but nobody took any notice of them. As a matter of fact, only a few of the loyalists remained there, most of them came to our meeting. Everybody present was convinced that the people who had put up a rival show were wrong and we were right. But then what did we see in the papers about a week after ? There is a gentleman on the Frontier who is well-known on our side and whose name, I think, I would be banned from mentioning.....

Some Honourable Members : Why ? Why ?

Dr. Khan Sahib :because, I am sure, the Foreign Secretary will say that this gentleman is a distinguished civil servant, and so I must keep quiet (Laughter),—this gentleman had his son sent for, who is a Government servant, twice to Parachinar, dictated certain letters to be sent to the papers like the *Civil and Military Gazette*. Everybody knows what kind of paper this is. This paper wrote a note to the effect that we went there, we beat the drums and had gathered dancing boys to collect people but that nobody had turned up. Therefore, Sir, this is the type of propaganda you hear in the papers, but we don't mind all that, because those whom we are opposing know our innate strength, and they know in their

[Dr. Khan Sahib.]

heart of hearts that the people are with us. Then, Sir, I came back to Peshawar luckily on the morning of the 3rd, and as soon as I arrived, we issued a pamphlet stopping the meeting. Sir, section 144 was promulgated, not only in Peshawar City, but five miles all round Peshawar. I must tell you the object of that. The object was that within a radius of five miles there were villages like Thehcal, Landi and Chamkani which are well-known seats of Honorary Magistrates who are trying to oppose us. Here let me assure you, Sir, that they will get votes only if the polling officers record votes for them. (Laughter.) That will be their voting strength, and such people will come into this House and say that they represent the people of the Frontier.

Then, Sir, we had a meeting with the Deputy Commissioner of Peshawar as regards the promulgation of section 144. Now, let me first tell you what kind of District Magistrates we have. They are all military officers. They simply suffer from the disease of unfair discipline. They have learnt only to stand to attention and salute. This is the type of officers who are our judges. We have got our sessions judges who are military officers, we have got our District Magistrates who are military officers. What is the result? What happens? First of all, they have not got the patience to tolerate anybody's opinion. And, Sir, may I tell you what the D. C. first told me? He said: "We have got the power, and it is a favour that we are allowing you to contest the election". (Laughter.) I smiled at him. (Laughter.) I said, yes, you have got the guns, you have got the rifles and the machine guns, but we have got the people with us, we have got the real power. (Applause from Congress Benches.) He then told us—'Oh, section 144 is simply for prohibiting processions, we have not stopped your meetings'. Then I informed him,—because they are very ignorant, they never go out of their bungalows, they only keep on writing letters, and naturally they know nothing of the people,—I told him that the little park which was fixed for the meeting was locked up and picketed by the police.....

Mr. K. Ahmed : Why, were they afraid of you?

Dr. Khan Sahib : I hope you will kindly keep quiet in your seat.

Then, in the course of our talks, I told him that we were quite ready to obey whatever order he gave me in writing. And what do you think he told me? He said, "No. I won't give you anything in writing" because he did not know what I might do with it. (Laughter.) Anybody who gives oral orders really means to disown the consequences when not favourable. That is the kind of District Magistrates we have to deal with in the Frontier. And, Sir, I tell you that it is good, because I go round, they know all what I say, Government knows every word that I utter in the Frontier, but they themselves don't want to reform their ways. And why are they afraid of us? Even one of the officials,—I know it from a loyalist,—told him, that it would be a good thing if the Red Shirts came in, because people were anxious to remove corruption, bribery and dishonesty from the Frontier, and the Red Shirts must be given power, because they are the only people who can purify the province administration.

Then, Sir, this meeting with the District Magistrate and S. S. F. was held on the 11th. On the 12th I was going to address a meeting under

the N.-W. F. P. Parliamentary Board, at a place about 13 miles from Peshawar. The first message I got on that morning was that the police were there with band playing and parading the streets of the village. This was a new thing. This was done in order to frighten away the people. Then they stopped our men from playing the band. But luckily their playing the band had brought together more of our people, and we had a good meeting. I explained to them that they were very lucky that day because the policemen had come there to entertain them. We did not mind all that, nor do we mind it at all, because it is all for our good, it is an advertisement for us, and the more the people know about these things, the more they will understand that we are the only deserving people who should be sent to the Councils.

Then, another meeting I was going to address at Naguman, which is about 11 miles from Peshawar city. I was due there at 2. But near Bhukhshupul, about 4 miles from Peshawar, unfortunately we had a puncture, and I was waiting there. Suddenly I saw three lorries full of armed police rushing along. I thought that most probably some raid had been committed by the Mohmands. But then I thought the days of those raids, which used to be induced by Political Officers, had passed. Then it occurred to me that most probably they were going to attend our meeting for our protection. (Laughter from the Congress Benches.) Luckily another car came and a gentleman sitting in it offered me his seat. I was then taken to the meeting place in time. When I reached the spot, I saw that the drums had been taken or snatched away from drummers, along with the flag.

An Honourable Member : Was it our flag ?

Dr. Khan Sahib : No, it was a common flag. Our flag could never find a place there. We are not allowed to have a Red Flag, we can't have it.

Then, I asked the sub-inspector whether he had any written orders. He said, "no ; we are not allowed to present you with any written orders, but we must stop you doing anything". I told him "You cannot stop me". Thereupon he took away the flag, when I remonstrated with him, he after some hesitation returned the flag. I took away the flag. Then 60 armed policemen came nearer and listened to me and I told them that even they should vote for the Red Shirts, if they had the voting qualification. Next time they were told not to come near us. Then there was a meeting at Paloussai which is a place just about 2½ miles from Tehkal, a well known place. On the previous day and in the morning of that day of meeting, because the meeting was held in the afternoon, armed policemen had gone to the villages and told them that they must not come to the meeting on the day of the meeting. The sub-inspector attacked some of the drummers, but our General Secretary was on the spot and he told the sub-inspector that there was no use of attacking the drummers and that whatever orders were given would be obeyed by the people. I think the sub-inspector felt ashamed of his action. Then we addressed a meeting there. The police party was composed of two sections at that meeting—the Pathans who were armed with lathis and the Sikhs who were armed with rifles. Up till now, I have not been able to solve the problem of what that meant. Another meeting was held just two miles from Pishthakhera near Bara

[Dr. Khan Sahib.]

river at the place convenient for both the Khalils and Mohmands to collect, when some of the volunteers were coming through the village of Mashukheil, they were attacked by the police and beaten, one drum was broken into pieces. I examined all these people myself and I took the broken drum in my possession after the meeting, the next day I sent the drum to the Senior Superintendent of Police with a letter. He wrote back a nice letter to me, I must say in fairness, and he said he did not know anything about it and he promised to make an investigation. I know he did make an investigation because the sub-inspector who broke the drum went to the drummer and took him to the police station and offered him a bribe of Rs. 10 if he would say that he dropped the drum and it broke.

I started on another election campaign on 31st July again to Kohat and in the afternoon I addressed a very large meeting in Kohat. Then in another village about six miles from Kohat, I addressed another meeting and at night we arrived at Hungu. We had really a very large meeting there. As soon as it was known that the tour was successful, then at the next meeting at Naryab, a village near Ilungu tahsil we were again faced with armed constabulary. We had a good meeting there and I gave the armed police good advice and I suppose it had good effect on them. The next meeting was at Darsamand where the previous day, the Naib Tahsildar or the Revenue Assistant or whatever you call him had gone there and he had told the people that he had received orders about my arrival at Darsamand telling them that if anybody attended the meeting which might be addressed by me, machine guns will be brought and they will be fired at. I arrived there all right but no machine guns stopped me. The Pathans had come to attend my meeting. I said all I wanted to say in my speech and Government knows all that. They cannot say they do not know anything. I never keep these things hidden. I explain everything in my speech and I make it a special point to have the Government C. I. D. stenographer by my side when I am addressing meetings so that he might not miss even a word of what I say. After going to one or two more places, I then went to Bannu where I arrived and addressed a meeting in the public park. There was a curious incident that happened there. Another distinguished civilian, a brother of the former, had three or four drummers and he came personally with these drummers to a distance of about 30 yards from our meeting and started dancing and beating the drums and playing music with a view to drown our meeting in the noise.

Sir Aubrey Metcalfe (Foreign Secretary) : He retired many years ago.

Dr. Khan Sahib : But still he is as distinguished as the other one. When the police went to him and asked him to stop beating of drums and playing of music, he demanded an order in writing to the effect because he said he had authority for doing what he did. We did not mind these drummers. They can go on with their business, but the trouble is how to keep our men in check from molesting them or doing anything which would hurt them. This is the work of Government which I am doing and the Government ought really to be thankful

to us and protect us and not provoke us. My chief work on the Frontier is to go on helping the Government by making speeches, but I do not understand why Government do not like me. All the meetings that I addressed were election meetings. Then, Sir, on 25th August we had a meeting at Sawali where about 15 thousand people attended. It appears that, the police in their actions had cooled down a bit. They had confined their activities to merely taking down the names of drummers. When I called the policemen and asked them under what section they were taking down the names of drummers, they did not tell me. Probably it was under some section in the Tranquillity Act or whatever you call it. I should like now to draw the attention of the House to one thing more. In Zeyarath Kaka Sahib which is in Nowshera tahsil, a meeting took place and afterwards Samin Jan Khan, B.A., LL.B., who is a Member and one of the General Secretaries of the Frontier Province Parliamentary Board was arrested. He was tried. For what offence? For the offence of praising the Red Shirt. If we do not praise Khudai Khidmatgar how are we going to ask the people to give us vote. Was it an offence? Yet he was tried under section 17-A for being a Member of an unlawful assembly, because he mentioned the name of Red Shirt. So he became a member of an unlawful assembly, an assembly which did not exist. Then, Sir, let me tell you another secret how these things happen. We came to know that the Minister told one of the men, "Don't bother, he will be only fined something whether he is guilty or not guilty". The officials are of a vindictive nature and they want to condemn us for nothing. He was fined Rs. 30 so that he could not appeal. They are very clever; and the judgment has not been written up till now. (Laughter.) We asked for a copy and up till the 22nd of last month no copy could be obtained.

Captain Sardar Sher Muhammad Khan (Nominated Non-Official) : It is a *jirgah* and there is no written judgment.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has no more time.

Dr. Khan Sahib : I will finish soon, Sir.

To sum up, our adversaries, the enemies of the Congress are overjoyed at our dissensions. They naturally make the most of certain passages in the speeches of our leaders where they refer to the mistakes and shortcomings of the Congress. They try to exploit these admissions for their own purposes. Congressmen have been in the field so long that they will absolutely ignore such pin-pricks. They will, I am sure, in spite of them go on with the work of self-criticism. They will continue unsparingly to expose their own weaknesses which will inevitably disappear as our movement gathers strength and completes its training. Sir, the attitude of Government towards its own mistakes is one of the surest tests of its seriousness and its ability to fulfil its duty towards the people of the country. A frank admission of its error, discovery of its causes, analysis of the situation in which it occurred, careful study of the ways by which the mistake can be remedied,—these are the signs whereby a good government can be recognised. I am sure the House will agree with me that the

[Dr. Khan Sahib.]

present Government as it is constituted is devoid of all these signs, and the Executive Councillors who adorn the benches opposite always try to wriggle out of situations on flimsy excuses, and very often to save their races take protection under the wings of the wonderful Knights who have been specially created for this purpose by the Government. They are wonderful because originally the Knights were created for their chivalry while these grandios are graded on account of their loyalty to their benefactors. They are an embodiment of both loyalty and disloyalty and I am sure when the Honourable the Law Member was stating the other day in the House that Government consulted both loyal and disloyal opinion on Bills, he must have had these enlightened gentlemen in view (Laughter), because they are the only individuals who are consulted and who combine in them both these qualities of being loyal to the Government and disloyal to their country.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has really exceeded his time and must bring his remarks to a close.

Dr. Khan Sahib : I will finish in one minute, Sir. The people of this country have made certain sacrifices and the Government have agreed to part with a little power. Here now I am concerned with the Frontier. It appears to me very unfair that they want to hand over the reins of administration not to the real representatives of the people but to those who have been brought up by them in the school of serfdom and who are remarkable for less than nothing. They are political dilettantes without any programme and at the head of them the Government want to place two sycophants with a strong dislike for excitement and truth and with an extraordinary hatred for each other.

Mr. President (The Honourable Sir Abdur Rahim) : Resolution moved :

"That this Assembly recommends to the Governor General in Council to take immediate steps to secure that public servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislatures."

Does Sir Muhammad Yakub wish to move his amendment ?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Yes, Sir.

Mr. S Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I rise on a point of order. The Resolution runs thus :

"This Assembly recommends to the Governor General in Council to take immediate steps to secure that public servants do not interfere directly or indirectly in the ensuing elections to the Reformed Legislatures."

And the amendment says that at the end of the Resolution the following be added :

"But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped," etc.

If you will look at the Standing Orders governing amendments, you will notice that the first standing order says that an amendment

must be relevant to and within the scope of the motion to which it relates. I submit this is neither relevant to, nor within the scope of the motion. All these are offences against the Indian Penal Code, and it is on that presumption that public servants will take necessary measures under the law of the land. What the Resolution seeks to aim at is to stop interference in elections by public servants using their influence for purposes which are not germane to the normal discharge of their duties. Therefore, to take advantage of a Resolution which merely wants Government to take steps to impress on public servants not to interfere in the elections, and to move an amendment asking them to uphold the law is, I submit, neither relevant, nor is it within the scope of the Resolution.

Mr. President (The Honourable Sir Abdur Rahim) : Supposing interference is called for in the interests of maintaining order, what then ?

Mr. S. Satyamurti : Nobody suggests that a public servant discharging his normal duties as a public servant, vested with certain powers and certain duties, is interfering. The word is "interfere", that is to say, that he does something out of the way, in order to persuade or dissuade the voters.

Mr. President (The Honourable Sir Abdur Rahim) : Suppose the amendment said, "except in the discharge of his duties in accordance with law", what would you say to that ?

Mr. S. Satyamurti : Then, I have got two answers to that question. First of all, being in that form, it may be relevant,—I do not say anything about that. But the major point is this. This Resolution does not contemplate, and in the very nature of things it cannot contemplate,—and you would not have admitted it if it were so,—that a public servant ought not to discharge his legal and constitutional functions.

Mr. President (The Honourable Sir Abdur Rahim) : I have to see not what is contemplated but what the words are and the natural meaning of the words.

Mr. S. Satyamurti : It is interference with elections, not with the ordinary duties, relating to breaches of the law, which a Government servant is called upon by the very nature of his office to deal with.

Mr. President (The Honourable Sir Abdur Rahim) : The words are "in the ensuing elections".

Mr. S. Satyamurti : It means interfering with the freedom and the right of the voter to vote for A or X as he chooses.

Mr. President (The Honourable Sir Abdur Rahim) : That may be one meaning.

Mr. S. Satyamurti : May I put it the other way ? You would not have admitted it, if the Resolution could possibly have meant any suggestion that public servants should not do their legal duty. No House in the world can consider a Resolution asking public servants not to discharge their normal duties. The point is that a Resolution like this can only aim at something extra-legal, extra-constitutional.

[Mr. S. Satyamurti.]

That is what we want to hit at. I, therefore, submit that, on both these grounds, on the ground that these are matters within the purview of the Indian Penal Code, and secondly, that no Resolution can be in order which seeks to cast on public servants the duty of not discharging their duties, I submit the amendment is neither relevant to, nor within the scope of the Resolution.

Sir Muhammad Yakub : Sir, I beg to move the amendment.....

Mr. President (The Honourable Sir Abdur Rahim) : No, no. I am asking the Honourable Member if he has anything to say on the point of order that has been raised.

Sir Muhammad Yakub : Sir, the underlying principle of this Resolution is that there should be no outside interference or coercion in the elections. (Interruptions)..... **Mr. President**, I want to seek your protection from the unruly mob on the Opposition Benches. For half an hour we have listened with rapt silence, without any interjection, to the speech which was delivered by my friend, the Honourable Mover of the Resolution. Now, when anybody stands up from this side, these apostles of peace and non-violence, who claim to be the pioneers of democratic institutions in India, interfere in such a way that they do not have patience to listen to the opposite point of view. I appeal to you, and through you to the Leader of the Opposition, that he will control the mob behind him and see that the dignity of the House is not spoiled, and we are allowed to place our views before the House.....

Mr. M. Asaf Ali (Delhi : General) : On a point of order, Sir, may I know if the word "mob" applied to Honourable Members of this House is a parliamentary expression ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member will first reply to the point of order raised before.

Sir Muhammad Yakub : If I am allowed to speak on the point of order..... (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : I do hope Honourable Members will not interfere. I have noticed that whenever any Honourable Member gets up and says anything which Honourable Members on the opposition side do not agree with, they go on interjecting. It is not fair.

Mr. S. Satyamurti : On a point of order, Sir. That, if I may say so, is right. But if any one calls us a mob, we are tempted to behave like a mob, unless you call him to order.

Mr. President (The Honourable Sir Abdur Rahim) : I am not quite sure on the point and so I am not going to give my ruling on it at once.

Sir Muhammad Yakub : Aspersions were just now cast on us : we were called traitors : we were named enemies of the country and what not ; and nobody ever stopped it. People who live in glass cases must not throw stones at others.

Mr. President (The Honourable Sir Abdur Rahim) : I want to know what the Honourable Member has to say on the point of order.

Sir Muhammad Yakub : Really, Sir, it is for you to say once for all whether we should speak or not in this House, whether we should remain in this House or not. If we are to be bullied in this way, then I think it would be better if you tell us that we should leave the House. But we cannot carry on in the way in which we are being bullied every day. I would seriously draw your attention towards this phase of the debates. We have been in the House for the last twelve years : there was the Congress Party before.....

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the Honourable Member need dwell on that. I have tried my best and am trying my best to keep order and I expect that Honourable Members on my left will show some patience and tolerance when Members who do not agree with their views address the House.

Sir Muhammad Yakub : As regards the point of order. I beg to submit that whatever may be the wording of the Resolution, the principle underlying the motion is that there should be no outside interference on behalf of anybody during the elections. I submit that interference is interference, whether it is made on behalf of an official or on behalf of a non-official. We know that the law on this point is quite clear, that no Government servant can interfere in the elections.....

Mr. President (The Honourable Sir Abdur Rahim) : Very well : the Honourable Member can move his amendment now.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : May I know your ruling on the point of order raised by Mr. Asaf Ali ?

Mr. President (The Honourable Sir Abdur Rahim) : I will give my ruling as soon as I find out some authority. I have asked Mr. Satya-murti to find out whether that expression is unparliamentary or not.

Sir Muhammad Yakub : I beg to move the amendment which runs as follows :

“ That at the end of the Resolution the following be added :

‘ But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures ’.”

I quite agree with the principle underlying the Resolution which has been moved by my Honourable friend, Dr. Khan Sahib. While on the one hand I am anxious that there should be no official interference or coercion during the ensuing elections, I am equally anxious that there should be no coercion, and interference on the part of the so-called non-violent, deliberate and provoking Congress volunteers and their associates, the Jamiat-ul-Ulema Hind, Delhi, and other kindred associations. I cannot swear that Government officials, sometimes, do not show their sympathy towards any candidate or even that they do not, sometimes, support certain candidates. Of course, it is altogether natural and we cannot expect Government officials to be celluloid toys or stone idols who will be void of human sentiments and human feelings. But what I submit is this : that this interference, which has come to my knowledge also, is not on behalf of the Government or in pursuance of any order of the Government. So far

[Sir Muhammad Yakub.]

as the U. P. is concerned, I know that the U. P. Government have issued strict orders to the district officers not to interfere in any way during the elections.....

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Excepting the Governor himself !

Sir Muhammad Yakub : But expression of opinion of course is quite natural. (Laughter.) I mean to say, individuals cannot be devoid of human feelings. But what I submit is.....

Mr. M. A. Jinnah : May I ask the Honourable Member whether he is aware that even the Governor of the United Provinces has tried to interfere ?

Sir Muhammad Yakub : Probably my Honourable friend is in the secrets of the Governor of the United Provinces. But I am not.

Mr. M. A. Jinnah : I have got information. Can you deny it ?

Sir Muhammad Yakub : So far as I know, it is not a fact.

Dr. N. B. Khare (Nagpur Division : Non-Muhammadan) : On a point of order, Sir. The electorates under the Act
1 P.M. are communal and religious, and how can there be any ban on religious propaganda ? The amendment is barred from this point of view.

Mr. President (The Honourable Sir Abdur Rahim) : That is no point of order.

Sir Muhammad Yakub : But this expression of sympathy on the part of certain Government officers is not the monopoly of only those candidates who belong a certain school of thought. On the other hand, my own personal experience is, that more Congress candidates are benefited by this sympathy on the part of Government officials. It came to my knowledge, and it is my personal experience, that during the last election to the Assembly, my opponent, who was a declared Congress and Jamiat-ul-Ulema candidate, had the sympathy and support of many Government officers. (Interruption.)

Mr. K. Ahmed : Is it a fact that he got a lot of money from the Leader of the Congress Parliamentary Board ? (Laughter.)

Sir Muhammad Yakub : My submission is this, that this expression of sympathy, or may be assistance in certain cases, is not so coercive and does not so much prejudice the judgment of the voters as the highly objectionable coercion and methods which are adopted by the Congress volunteers. They create lawlessness at the polling booths. They have torn the voting papers, and they have committed atrocities of all sorts, so much so that the police had to open fire in order to restore peace. We need not go very far off. Only the other day my Honourable friend, Sir Cowasji Jehangir, wanted to address a meeting in Poona and we have seen in the papers how that meeting was molested and how, not only hooliganism was introduced, but rotten eggs were thrown at him.

Mr. President, we are on the threshold of the introduction of democracy in this country and we know very well that for the first time a democratic constitution is being introduced in a country, the soil of which has

not yet borne ripe fruit of democracy. And if India is to be governed by a democratic constitution, then it must be the duty of every patriotic Indian to see that traditions and precedents of a proper kind are established. Otherwise, the whole structure will tumble down in no time. Mr. President, we all know that democratic institutions are run mostly by precedents and traditions rather than according to the written law, and unless care is taken that traditions and precedents of a sound or proper kind are established, I am afraid we will never reach the goal of our aspirations. Now that the new Constitution is to be introduced, the Government will be formed by non-officials, and the non-official supporters of the Cabinet, who will be extremely anxious to see that their friends retain their offices in the Cabinet—their interference and coercion will be much more intolerable and mischievous than any coercion on the part of anybody else, because even the Government servants, who will be subordinates of the Cabinet, will think that they have the backing of the Cabinet behind them, and therefore, even Government officials will be afraid of putting a stop to their activities. Therefore, it is extremely necessary that Government officers should be admonished that lawlessness and hooliganism on the part of anybody should not be allowed.

Sir, all that we want is that a voter should be left free to exercise his own judgment, and interference on the part of non-officials cannot be any more tolerated than interference on the part of officials. There must be even-handed justice and both parties should be treated equally. We must give a lead to the Government that hooliganism, lawlessness and singing of provocative songs and slogans, as is usually done by the Congress volunteers, bringing in the name of religion and abusing the name of religion in the elections, preaching from the pulpit that a man will go to hell if he votes for such and such a candidate or that his wife will be divorced if he votes for such and such a candidate—these things should be stopped.

Mr. N. M. Joshi (Nominated Non-Official) : It is illegal.

Sir Muhammad Yakub : Legal or illegal—my dear representative of labour, you go on interjecting and smiling like this. I think the Honourable Member should behave himself properly. Sir, it may be argued that the existence of coercion and lawlessness, instances of which I have given, may form a valid ground for invalidating an election in an election petition. But, then, coercion on the part of Government officials can also form a good ground for setting aside elections. Nevertheless, after a man has lost on the election booth, it would be very hard and very difficult to expect that he should get his redress by the expensive and very difficult course of filing an election petition. I have got nothing more to say, but in the end I would again appeal to my Honourable friends on the Opposition Benches that they should, on this occasion, show their capacity to shoulder responsibility. If they want to come into power, they should behave like responsible persons and like persons who have been in office. They must see that justice is done even-handedly to all parties in the country and that there is no coercion or intimidation or molestation during the elections on the part of anybody, whether it may be an official or a non-official. With the addition of this amendment I will heartily support the Resolution.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That at the end of the Resolution the following be added :

‘ But unruly conduct, demonstrations which are likely to cause the breach of peace, the singing of provocative songs and slogans and pronouncing religious ban against any candidate or persuading voters to vote or not to vote in the name of religion should be stopped by the local authorities with strong measures ’.”

We have now both the Resolution and the amendment under discussion. I need not point out how the Resolution would run if amended in the form proposed. Both the Resolution and the amendment are now under discussion.

The Honourable Sir Nripendra Sircar (Law Member) : I do not know whether you would like me to begin now. There are only three minutes more to quarter past one. I think we can come back at 2-25 if you desire it.

Mr. President (The Honourable Sir Abdur Rahim) : The House stands adjourned till 2-30 P.M.

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. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

The Honourable Sir Nripendra Sircar : Sir, I think it will have a pacifying effect on my friends opposite if I say I shall be very brief....

Mr. S. Satyamurti : It will be very nice.

The Honourable Sir Nripendra Sircar : Let us see how we get along.

Sir, on behalf of the Government, I am authorised to accept, and I do accept this Resolution..... (“hear, hear” from the Congress Benches.) Wait till the end.....

Mr. S. Satyamurti : That is very nice indeed.

The Honourable Sir Nripendra Sircar : I am authorised to accept the Resolution as also the amendment, and I say either or both of them. (“Hear, hear” from Congress Benches.) I maintain, Sir, that non-interference in elections by Government servants has been the policy of Government—I am not talking of public servants in the sense used in the Resolution, because there are public servants who are not Government servants, like the servants of the Calcutta Corporation, who have decided to take part in elections, I am not concerned with them,—I am confining myself only to Government servants.....

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Do you include Honorary Magistrates ?

The Honourable Sir Nripendra Sircar : If my friend will not insist on the time limit of 15 minutes, I shall welcome his interruption. otherwise the best course is for me to ignore it.

Sir, I maintain that non-interference by Government servants in elections ought to be and has been the policy of the Government. I state that deliberately, and I assure the House that that policy will be continued. I may further state that I desire to make it perfectly clear that while accepting this Resolution and the principle enunciated in it, I am not admitting the charges which have been made by my friend, Dr. Khan Sahib. I will leave that matter to be dealt with by people who have better knowledge of the province than myself. The general impression, Sir, left on my mind by the Honourable the Mover's speech is, that far from having a grievance, he was having his way all the way through, and in the end he succeeded in getting a number of policemen converted to the Congress creed. (Laughter.) So I don't think he can really have any grievance. And about the breaking up of the drums and so on, I have not yet heard what the result was; perhaps one drum less in the Frontier Province, will not make much difference. (Laughter.)

Now, Sir, when it is remembered that Government servants run into tens of thousands, it is quite easy to imagine, and I find it quite possible to believe that there will be cases, however few they may be, where instructions given, orders issued or steps taken by Government become ineffectual. I say that not as an excuse, but as an explanation. I would also ask the House to remember that Government servants have now got to adjust themselves to rapidly changing circumstances. ("Hear, hear" from Congress Benches.) As I said, Sir, I do not offer this an excuse, but that is an explanation and a factor which has got to be borne in mind in allocating or apportioning the degree of blame, if any, which has got to be attached to Government servants or their masters, the Government. Sir, if there has been a failure, if there has been a breach of the instructions which have been issued or of the orders given by Government, it is not because Government directed or desired them or encouraged them to act in the manner they did, or because Government acquiesced in their actions, but they have happened in spite of the Government having taken all steps. I ask the House also to consider whether it is not inevitable that where the organization is so very large defections are bound to take place in spite of all reasonable steps taken by high authorities. Some speaker, I believe it was my friend, Sir Muhammad Yakub, referred to the incident of my friend, the Baronet from Bombay. I was not there, and I am not going to discuss that, but all that I could judge from reading the papers was that as usual fortune smiled on my friend, because the crack shots all missed their mark when they threw eggs at him. But the point to be remembered is that if people in a disgraceful manner interfered with my friend's electioneering campaign, are the authorities,—and I do not use it in any sarcastic sense,—is the high command to be responsible for what happened, not on account of them, but in spite of their instructions to the contrary? Sir, the House will remember that after that incident statements were made by very responsible persons like Mr. Nariman, the head of the Congress in Bombay, and others, in which they unequivocally condemned this interference with my friend's election. I ask this House to consider whether that is not possible or whether that is not probable with the organization of the Government. I do not, Sir, for one moment suggest that two wrongs make a right. I do not suggest that because some others interfere with elections that

[Sir Nripendra Sircar.]

is any justification for Government servants behaving in the same way. If we condemn interference on the part of others, it is up to us to see that Government servants don't behave in an equally blameworthy manner. Sir, it may be said : " Oh, it is all very well to make your professions, but what happens in practice ? " As regards that, I will remind the House of Bengal,—I cannot talk of all provinces,—but the matter was recently in the lime light in Bengal due to a letter written by my friend, Mr. Fuzul Haq, to Sir John Anderson, and in his reply, although it was not addressed to Mr. Haq, it was a kind of a communiqué and it referred to that letter,—in that reply Sir John Anderson said that definite instructions had been issued to district officials to observe the strictest neutrality in elections, and I believe, Sir,—I speak subject to correction,—that some of the Calcutta Dailies were quite satisfied with that statement of Sir George.....

Pandit Lakshmi Kanta Maitra : But all the same the activities of the district officials go on as before.

The Honourable Sir Nripendra Sircar : All the same the activities of the Congress officials also go on as before.

I hope my friend, Mr. Maitra, will curb his impatience, because, as I said I want to finish very soon.

Pandit Lakshmi Kanta Maitra : You are entitled to thirty minutes, and you can go on for half an hour if you like.

The Honourable Sir Nripendra Sircar : No, Sir, I am not under the rules. At any rate, you are not occupying the Chair. (Laughter.) As I said, I do not propose to detain the House longer. I referred to Bengal. I refer also to the statement which was broadcasted by the present Governor General when he arrived here. Charges will be made and it will be said " Oh, but thousands of incidents are taking place today and everyday ".

Pandit Lakshmi Kanta Maitra : Yes.

The Honourable Sir Nripendra Sircar : Before you had shaken your head, I knew it would be like that but as an instance of the irresponsible way in which charges are made, may I give an instance from what happened today. I asked my friend, Mr. Satyamurti, this morning whether he was sure that a certain person was dead, on the strength of which an adjournment motion was allowed. He said ' Yes, I am sure '. But I said that my information is to the contrary and then there was a chorus of twenty voices ' I know ' but may I inform the House that I was right and the fact is that not only the boy is not dead, he is not dying, he is not grievously hurt, there is no compound fracture, he is not even in the hospital and this is the information received from the boy's father at 1 o'clock.

Pandit Lakshmi Kanta Maitra : We shall discuss it now. I will give you the other side of the picture.

The Honourable Sir Nripendra Sircar : You will give many sides of the picture in fifteen minutes. I know my friend's object in this interruption is to take me away from my line of argument. I brought this up to show that because the charge is made it does not necessarily

follow that it is correct. I would not have referred to the incident but for my friend's interruption.

Mr. M. Asaf Ali : The Honourable Member said this morning that this boy's collar bone was broken and now he says that he is not grievously hurt.

The Honourable Sir Henry Craik (Home Member) : You said he was dead.

(Mr. Asaf Ali rose to interrupt.)

The Honourable Sir Nripendra Sircar : I am not giving way. If Mr. Asaf Ali will not be so impatient, I will remind him of the exact words I used. I said that my information was that his collar bone was either broken or injured. You will find that from the report. Please don't interrupt.

Mr. M. Asaf Ali : In both cases it would be grievous hurt.

The Honourable Sir Nripendra Sircar : It is not grievous hurt. Why is my Honourable friend trying to draw a red herring across the trail. He made the assertion ' I am sure the boy is dead '. That was supported by a chorus of twenty voices and that was repeated and he is now indulging in fine distinctions as to whether the collar bone was injured or he was merely hurt and so on, to cover the misstatement about death, so confidently asserted by his friends for getting the adjournment motion admitted.

I would also like to state to the House that I am not urging for one moment that because acts done by Government servants have been done without the knowledge of the highest authorities or even of their immediate superiors, it follows that there is no responsibility on Government. I have been a lawyer for a pretty long time and one thing I know is that the master is responsible for the wrongs committed by the servant in the discharge of his duty in ordinary course. Therefore I am not going to say that the Government should take shelter under the plea " we do not know what is going on " although that may be a relevant fact in assessing the degree of blame to be attached to the Government as a whole. Sir, I would have been briefer but for my friend, Mr. Maitra's impatience and I propose to resume my seat after once more repeating that we accept the principle of this Resolution. We do not admit that it has been broken with our knowledge or acquiescence, or that it has been except possibly in a few cases. Those are questions of facts, and so far nothing has been alleged except about North-West Frontier Province. I am not competent to deal with this and my time is nearly up. I will end by saying that it is the desire of Government to take serious notice of breach of neutrality which is proved or brought home against public servants. When I say breach, I mean proved breach, not mere allegations. We know that allegations are sometimes made which are not correct. Supposing one were to judge the conduct of the biggest party here by reading the columns of the *Justice*. Are those charges made there daily, over which columns are spent, necessarily true ? They may or may not be true. The flaring headlines appearing in that paper, do not, I submit, prove that congressmen in Madras are guilty of the thousand and one charges which are levelled against them in that paper.

[Sir Nripendra Sircar.]

Well, Sir, I have nothing further to add and I repeat that Government will take serious notice of breaches of neutrality in elections on the part of Government servants.

Maulana Shaukat Ali (Cities of the United Provinces : **Muhammagan Urban**) : I rise to support the Resolution, and I am very glad indeed that the Honourable the Law Member has accepted it and has promised to do his utmost to see that no official, either directly or indirectly, takes part in the coming elections. That is a very useful gain that we have achieved today by this Resolution which my Honourable friend, Dr. Khan Sahib, has introduced. I oppose the amendment which the Honourable the Knight from Moradabad moved in this House. I am sorry he is not here. Otherwise he would have been forced to accept the justice of my remarks, because if there had been fair-play in the election in which I had to stand against him, this wonderful Knight would not be sitting in this House. (Laughter.) I want to tell the Law Member and other officials that in the course of my election I had to deal with four district officers and in honour I am bound to say that I have received absolute and strict impartiality from three officers but not from the one with whom I had to deal originally, that is at Moradabad, where I had to stand against Sir Muhammad Yakub. I am sorry he is not present in the House now. He tried to cajole me and threaten me not to stand against him but I would not follow his advice. He wanted me to retire. He tried to impress on me that as I was new to these elections, having boycotted the Assembly from its inception, that all elections especially in the mofussil and in the rural areas depended upon the support of the officials, and sub-inspectors, patwaris, and chaukidars, played an important part in them he wanted me to retire. I said that I was capable to take care of myself. All his arguments failed, and, if I had only fair dealing, this Knight would not be sitting here in this House. I was not a member of the Congress. Wherever I went, the first thing I did was to pay a call of courtesy on the District Magistrate and I told him that he should look to it that there was no bribery and corruption, on the part of all contestants and that I wanted the suffrage of the Muslims only and that I did not want any favour from anybody else. I regret that for the sake of old friendship from Aligarh with the great Knight of Moradabad I did not introduce the subject here before, but when gentlemen like him come here and make every day all sorts of provocative speeches and remarks and call people names and abuse them, knowing very well that the officials will be pleased and support them and when others retaliate they come to you, Sir, and say, "for God's sake protect us from the wrath of these people",—that is not fair play (Laughter), that is not worthy of a Knight. Sir, he should have the courage of a Knight and not that whining spirit, that timidity. It is all very well for my friend to have moved this amendment here, but if he had made such a speech at any public meeting of the Mussalmans where members of the Jamiat-ul-Ulema and other Muslim bodies were there, I am positively certain that not only would he have had rotten eggs thrown at him but something far more serious would have happened to him. (Laughter.)

Sir, during the last election I was umpired out on the ground that I had no residence in Moradabad but luckily I had my name entered elsewhere also. Now, Moradabad is a very difficult district,—it has a unique

administration and a unique administrator. I had an interview with the Magistrate and some day the Press may know of the funny things I heard. I should like to recall here that both the Home Member and my friend, Sir Muhammad Yakub, the other day defended the bad system of nomination of the I.C.S. officers. No wonder, for I may say the three district officers who treated me fairly were all "competition-wallahs" and the other man who behaved in the funny way was a man who had been nominated in the I.C.S. for his services in the war!! There was something wrong with his head; and I say that you make him a Field-Marshal if you like, make him a Commander-in-Chief if you like but for God's sake do not put him over us in order that he may bully us and do illegal acts! (Laughter.)

Sir, in the Moradabad district there was a woman's seat, and Begum Mohamed Ali, who was respected and loved by everybody, although she did not agree at first to come to the local Assembly, was induced by friends to do so. They said, "this is the first time a Muslim lady is going to represent Muslims. Let only such be elected as she commanded respect and who was a God-fearing woman, and she had consented. Now unlike me she had Zamindari. I also had been a Zamindar but I happened to be a rebel and an outlaw and I thought the best thing would be to give my property to my mother and I transferred it to her. I had however rented two houses in Moradabad. The law said that either a candidate may reside there or he may have a place of residence ready for occupation and occasionally occupied it. I had two houses for which I paid rent. They "umpired" me out on the residence question. I was umpired out—and there was no appeal. I would like the Law Member to see about this though there was no time this year; that in these elections, if you want fair-play, you must not appoint the present type of returning officers; you must get them from the judicial branch of the service and not the executive branch because in the latter case they will always be at the beck and call of the Deputy Commissioners. (Hear, hear.) If any impartial friend will read judgment of that case he will clearly see the "black and white" line, he will see that it is partly written by an Englishman and partly written by the man in charge. Why, the English is so different! (Laughter.) So, Sir, I was umpired out from Muradabad; and though I had barely four weeks for work, I faced another Knight, Sir Shafaat Ahmad Khan, who had been working for six months, but, Sir, I beat him hollow. Now, Sir, Begum Mohamed Ali was a Zamindar and had zamindari in ten villages; instead of Rs. 5 a year, she paid as land revenue more than Rs. 300 a year, and, as a Zamindar in eight villages, she had residences. Now the same gentleman who umpired me out went on telling people when asked about his views about the woman's seat in his District, "what do you think would happen? there are two other ladies also standing, both go out with their faces powdered, and without any veil, and putting on beautiful dresses! The other lady goes in black *burkha* and her face covered and says, 'my husband had served Islam, and died while serving it and though my health is not good, I want to come in and give for this position some dignity'. Who will vote for these women without veils?" When I heard this news, I realized at once what was going to happen. I saw things happening with my own eyes. I kept quiet as I had no time to waste in useless appeals. I have to get back to work and to go all over India according to the wishes of

[Maulana Shaukat Ali.]

my Honourable friend and leader, Mr. Jinnah, in order to see that a better type of Mussalmans get in and that these weakling and reactionaries may have no chance to misrepresent the Muslim masses. (Hear, hear.) I have got the permission of the United Provinces Parliamentary Board to make my headquarters at Moradabad, and I am going to see, Sir, that no further hanky-panky is done there. (Hear, hear.) But I warn you, Sir, that in the next few months, you may hear that there was a case against Maulana Shaukat Ali for murder, or for dacoity, or for elopement (Laughter), you may hear that there is a case against me for bad livelihood, and what not ! (Laughter), and I know this much that every effort will be made to howl me down. I am however perfectly willing to face all this and you should see that the official orders were carried out. I want to see that only such officials who would not tolerate any bribery or corruption on the part of anybody should be the returning officers. I heard that the same officer in charge of Moradabad said to a visitor that, "if anyone tells you that I want to favour this man or that man, hand that man over to me, but I want to tell you all the same, 'look at the idiocy of this Government, they are issuing orders that we should be impartial but orders or no orders, I will play my usual game'." Sir, I want to give here a fair warning. Government's officers should desist from unfairly helping unpopular candidates and reactionaries. There is already a very great feeling against this new Reform Act. Why court further unpopularity and odium. We pressed our friends (pointing to the Congress Benches) to seek elections and we mean to further press them to accept offices and replace the present official bloc. Government ought to conciliate. I know my own feelings and Begum Mohamed Ali's feelings, and I can now tell the Honourable the Home Member how terrorists and bomb-throwers are made. Sir, they are made by such officials and their supporters. When we find that in spite of all our fair and honest dealings, we are continually hampered by your officials, then iron enters into our hearts. Sir, it often happens that the Tehsildar according to orders wants that a particular district candidate should be defeated. In Begum Mohamed Ali's case the two patwaris, the chaukidar and another member of the group of Government supporters, a member of the district board gave evidence, with the result that although Begum Mohamed Ali, who had eight houses in ten villages as a Zamindar, was not allowed to be a voter.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member's time is up.

Maulana Shaukat Ali : Sir Muhammad Yakub knows all this and yet moves his amendment, I know him too well and he knew that I was going to make a speech and that is why he has disappeared.

Mr. Deputy President (Mr. Akhil Chandra Datta) : He ought to have been here.

Maulana Shaukat Ali : Sir, in Moradabad, this gentleman wants
 8 P.M. that when he stands up for election, nobody should say a word, not even a dog should bark. In Moradabad, the gentleman could not go out, because the whole of the town was against him, and, now, after having made the speech of today, when he goes back to

Moradabad, I would like him to address a public meeting of Mussalmans in Moradabad.

Captain Sardar Sher Muhammad Khan : Why did you not contest his seat ?

Maulana Shaukat Ali : I wanted to contest, but I was not allowed—I was umpired out. My name was removed although Moradabad was my father's home and my mother's and we had property there.

Sir Muhammad Yamin Khan : Is your home also in Lucknow ?

Maulana Shaukat Ali : Yes, I have a house there for which I have paid a rent of Rs. 20 a month as the Honourable Member knows. My home is also there. Sir, I have finished. I support the Resolution and strongly oppose the amendment which ought to be thrown out. In conclusion, I appeal to the Honourable the Law Member that whenever cases against district officials and their high handed actions are brought to his notice, I hope he will support the right cause and give us fair play.

Sir Aubrey Metcalfe : Sir, the Honourable Member from the North-West Frontier Province has given the House a dissertation upon the inequities of the North-West Frontier Province Government in regard to their prevention of the activities of the Parliamentary Board. I do not propose to reply particularly to that part of his speech which is rather for the Honourable the Home Member to do and I am sure that he will be able to give the House facts which will present a very different picture to what the Honourable Member, Dr. Khan Sahib, has put before us. Incidentally, I may say that that picture was not nearly so lurid as I had anticipated. For my own part, I will attempt, in the first place, to give the House some account of the activities of the party which he represents, particularly in relation to elections. I may say that the party when it was originally founded and ever since has shown an extreme intolerance of the views of any other party except itself. When it was originally founded, it sought to establish its power and influence by means of a drilled and uniformed army mainly composed of the menial classes of the villages. This army known to its founders as the ' Khudai Khitmatgars ' or servants of God but more generally as the ' Red Shirts ' was trained to demonstrate in drilled masses and to secure the will of the party's organizers by the threat or the compulsion of force. In the early stages of its career it attempted to establish what was almost an independent form of Government by arrogating to itself both criminal and civil powers. Those attempts were put down by Government after great expenditure of time, trouble and money. Their next opportunity came in 1932 when the first Frontier elections were held. I have here an article which appeared about 2½ years ago in a journal known as the Journal of the Royal Central Asian Society and this gives an account by a gentleman of his own experience when he tried to exercise his right as a voter at those elections. The article is not signed and even if I knew the name of the author I should not be at liberty to divulge it. But the internal evidence of the article which, as I said was written 2½ years ago, will, I hope, be sufficient to make it clear to the House that this is absolutely unbiassed, genuine and first-hand testimony. I will read to the House one or two of the more illuminating passages. This gentleman writes :

“ Abdul Ghafar Khan was a very popular personage at the time (*I hope Mr. Khan will admit that*), and was considered a sort of hero by the vast majority of villagers. They were told (*that is, the villagers*) that whoever fixed his thumb impres-

[Sir Aubrey Metcalfe.]

sion to the ballot paper would be signing the death warrant of Abdul Ghafar Khan. The counterfoils of the ballot papers had to be signed by the voters, and those who could not write had to fix their thumb impressions to them. It was therefore given out that their signature meant the signing of Abdul Ghafar's death warrant, for which the Government needed a sort of referendum and had devised this method for obtaining the necessary authority. The electors were also told that their signature on the ballot papers would be followed by heavy taxation and other dire consequences."

That I quote as an instance of deception. Now, we go further and we come to instances of force.

"The Red Shirts had announced picketing of the polling stations, and one or two days before the election at each polling station they blocked all the roads and paths leading to them. The villagers from most of the villages joined them because of the religious colour which was given to this work, and the riffraff and all the hooligans naturally took the most prominent part in it.

Owing to the propaganda, a major portion of the electors decided not to take any part in the elections. Another portion refused to vote on account of timidity. They had no desire to come into conflict with the Red Shirts. There were therefore only about 10 to 15 per cent. of the electors who were willing and had decided to take part in the elections.

The writer happened to be one of those who had decided to take part in the election, and one day previous to the polling he was at a village about six miles distant from the polling station. News arrived in the afternoon that the road to the polling station was being picketed. The writer went in a motor-car, and at a distance of about two miles, at the junction of two roads, he found about five hundred persons sitting in the middle of the road, completely blocking it. No argument could persuade the pickets to allow the writer to pass, and he therefore had to return to his village. At midnight the writer attempted again, this time accompanied by a couple of lorry loads of other voters, in the hope that the pickets might have moved away for the night. He however found that their number had doubled and that they had blocked not only the road but all the paths in the vicinity. Some of the pickets were also armed with daggers and pistols, which they were displaying with threats. The writer and his companions had to return once more.

One companion of the writer slipped from the lorries in the darkness and entered the crops on the roadside. Some of the pickets discovered this after a short time and began to chase him. A regular hunt began in the darkness, and the quarry had to run for his life. He told the writer in the morning that he had to be for hours in the crops with voices all around him shouting death to him at sight. He managed to reach the polling station at 6 A.M. badly bruised and his clothes torn by the thorns and hedges. He covered the distance of about four miles in six hours.

The writer started for the polling station once more in the morning. He found a police party proceeding in a lorry to the polling station, and decided to follow at close distance. When they reached the pickets they found a huge crowd on the road. The police lorry attempted to pass through the crowd, which gave way, but shortly after started a fusillade of brickbats and stones. The writer's car was badly hit and all the glass was broken...."

There is a good deal more of it, but what I have read out gives a somewhat extraordinary picture of the way in which democratic institutions were interpreted by the Red Shirts in 1932 and I think they are quite sufficient to give a good deal of anxiety to the Local Government of developments which may take place in connection with similar elections in 1936.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Are you yourself the writer ?

Sir Aubrey Metcalfe : It may be argued as I think my Honourable friend Dr. Khan Sahib, would argue that that mentality has disappeared and the Red Shirts are now only anxious to take an orderly part in these

elections and to become a law abiding party anxious to work the Constitution and assist in the introduction of a democratic government. Let us look at the facts for a moment. We find that at nearly all the meetings hitherto held under the auspices of the Red Shirts Parliamentary Board, the main doctrines expounded have been class hatred and racial hatred. There has been no attempt so far as I have been able to discover at any meeting to put forward any kind of constructive ideas such as are necessary to educate the comparatively ignorant rural electorate. The latest reports indicate a tendency on the part of speakers to go even further and to urge upon their audiences that complete independence and Red Shirt dictatorship are the only possible solution for the troubles of the North-West Frontier Provinces. In fact in some cases seditious tendencies among the speeches have been so common that Provincial Governments have had to consider—of course extremely unwillingly—whether it will not be necessary to prosecute some of the speakers. There has been another disturbing development in that we have very clear evidence that certain emissaries of Red Shirts have attempted to embroil the Government and the Afridis across the border and also to tamper with the loyalty of Faqir of Spinkharra. Such developments cannot fail to arouse acute anxiety both in the minds of the Government and in the minds of other parties in the Provinces and this anxiety has been voiced quite recently by a prominent Congressman of Peshawar who edits the principal Hindu paper, in fact, I think the only prominent Hindu paper in Pashawar which is known as the *Frontier Advocate*. I would venture to read to you two very brief extracts. These are only extracts from the editorials in the *Frontier Advocate*, the editor of which has always been a very prominent Congressman. Apropos Pandit Govind Ballabh Pant's adjournment motion which he understands was attempted to be moved in this House on the subject of repression in the North-West Frontier Province, he writes as follows :

“ On comparison,—

referring to the United Provinces and the North-West Frontier Province,—

“ we find that a very exaggerated account has been given to Pandit Pant. Otherwise he would rather have attended to the difficulties of his own people in the United Provinces than to the supposed grievances of the Red shirts. It so seems that like other ignorant Congressmen in the rest of India, Pandit Govind Ballabh Pant is labouring under the erroneous impression that the Red shirt movement is in reality a part of the Congress. If he had known of its communal and pan-Islamic nature and the dangers it presents to the unfortunate minorities in the Province he would certainly have given notice of an adjournment motion to condemn the Frontier Government's policy of oppression of the mean minorities.”

I need not perhaps read the other one. My time is getting short and I would just say a few words as to what I feel is the duty of the executive government in such a situation. Surely their duty is not confined merely to the provision of polling booths and arrangements for the counting of votes, but it must also extend in my view to ensuring that all lawfully constituted political parties are able to exercise their franchise without fear or favour, and that no one party shall be able to suppress by violence all other parties in its conduct of election campaign. All British democratic institutions are based on the axiom that within the limits of the law there must be a fair field and no favour for all and I submit, a definite stage can be reached at which there must be some interference on the part of the Government in order to protect other parties from complete suppression. Only recently the British Secretary of State in a speech which he made described British democracy as the “ epitome of man's endeavour

[Sir Aubrey Metcalfe.]

to find freedom, individuality and peace". The constitutional experiment in which these elections are a stage is based on British democratic ideals and I feel sure that every good democrat in this House will agree that for Government to abdicate its functions merely on account of elections would constitute a complete failure of its duty towards the State and a surrender to the forces of violence and repression. (Applause.)

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. Deputy President, it is truly encouraging to find that we are so quickly learning the principles of democracy. Sir, if one were to read the history of England whose democracy is being copied in India, one would find that 60 years ago there was all sort of corruption, all sort of bullying and intimidation at elections. It has taken England 50 or 60 years to have fairly honest elections. We are still on the threshold of our experience and I am sure there is bound to be corruption, there is bound to be intimidation, there is bound to be rotten eggs. (Laughter.) Why, Sir, rotten eggs are the signs of democracy, and if there was an election without rotten eggs, it would not be truly a democratic election. Sir, the privilege of throwing rotten eggs is a privilege which goes with the vote. It is not a privilege confined merely to one party or one section ; it is a privilege that has to be exercised by all. Here is my bold friend, the Maulana, sitting behind me, there is that traitor of a Knight sitting on that side. Well, Sir, all I can say is that they do not seem to be using very friendly language. That is true democracy, Mr. Deputy President. My only point is let us think of true democracy, and when rotten eggs are thrown at us, let us not grumble. Let us not complain. (Hear, hear.) Therefore I was considerably surprised to hear the speech of my Honourable friend, Dr. Khan Sahib. Why did he complain about interference with his meetings ? I can hardly believe, knowing my Honourable friend as I do, that he would tolerate any interference. If anybody came with a complaint that my Honourable friend had interfered with political meetings, I would be more inclined to believe it than to believe that any meeting over which he presided could be interfered with. Why, my Honourable friend knows what it is to use his fists over and above merely angry words. In the part of the world he comes from, I should not be a bit surprised that as in England now, it will not merely be rotten eggs, but stones, and from stones, it may come to fists. Why should he complain of interference ? I can understand the meek people of Bombay complaining of interference in their meetings. I can understand the meek and humble Madrassah complaining of interference at his meetings but I fail to understand how any Afghan or Pathan can complain about interference at his political meetings.

Now, Sir, although I had not the pleasure of hearing the Law Member's speech I believe he admitted that the principle underlying this Resolution is a very sound one and that is that Government officials should not use their influence at elections. But I am not so clear about the wording of this Resolution. It says that Government servants should not "directly or indirectly interfere at elections". Now, Sir, talking more seriously, I am one of those who believe that it is the duty of Government to see that elections are fought fairly and with honesty ; and if there is any hanky-panky and Government are aware of it and allow that hanky-panky to continue, I consider that they are responsible. I would hold them responsible for peace and good order during elections just as much

as at any other time. I would hold them responsible for having an honest election. I have seen dishonest elections in India and I have not complained because I take it as a sign of the times. I take it that in a few years we shall improve, but that is no reason to say or to demand that Government shall not interfere when the peace and order of the country is broken due to tension at elections. Sir, I have been a victim of picketing and I have seen other candidates being victims of picketing. I have seen with my own eyes ladies going in to vote being stopped by my brave friends, my opponents, who I trust will not be opponents in the future. But when they were opponents I have seen them stop women going in to exercise their franchise lest they might vote for a candidate other than the one they desired to succeed. Is that to be allowed with impunity? I think it is the duty of Government to see that there is no picketing and I consider it the duty of Government to give every candidate, whether he be Congress or Liberal or my friend, Maulana Shaukat Ali, or the brave Knight opposite, protection against picketing, against bullying of his friends and supporters (*Mr. K. Ahmed* : "And corruption") and against corruption. That is more easily said than done. But although Government may not be able to wipe out corruption at elections, it is the duty of Government to see that at least at election time,—not at meetings, perhaps they may not be able to control meetings,—but at election time that fairplay is ensured. And although I raise no complaints on the floor of this House, let me tell the Honourable the Home Member that I have had very serious reasons for complaint at election time at not being able to take my supporters to the polls on account of picketing.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Was not the same thing done in your favour?

Sir Cowasji Jehangir : No, I absolutely deny it, and I contend that picketing was done by my opponents. I did not complain; I have not complained till this day. But when my Honourable friend the Doctor gets up and complains about his meetings being broken up by retired Government servants and honorary magistrates who are not officials, I have a right to complain also. And therefore let us have fairplay on all sides. Let us have fairplay and demand fairplay. We cannot all control our followers,—we know that. I know that my Honourable friend, the Leader of the Opposition, and many of his friends do not desire that their followers should break up Liberal meetings. They have no such desire but they cannot control their followers. It is no use telling them that their followers have done this and that. We know they have no control; it happens all over the world, it happens even in England. That is true democracy and you have no right to complain. But I have a right to complain if the Government of the country which is responsible for fairplay at elections does not do its duty. I am not complaining against my Honourable friends here; it is their business to break up my meetings if they can. But it is the business of Government to see that there is fairplay. And if this Resolution means in any way by the words "directly or indirectly" that Government shall not interfere when there is bullying and intimidation, I will not be a party to this Resolution. I make it perfectly clear that if I cast my vote for this Resolution it does not exonerate Government in any way from seeing that every candidate, whether Congress or Liberal or orthodox Hindu or a reformer, shall get protection and shall be allowed to bring in his supporters without fear and without intimidation to vote at the polls. Sir, I again maintain that the

[Sir Cowasji Jehangir.]

principle underlying this Resolution is a truism. Of course all over the world officials are not supposed to use their influence but at the same time do not let this be construed to mean that Government should sit with folded arms while Liberals or Congressmen or any party encourage intimidation at election time. That should be put down with a heavy hand, and I expect that Government will have the machinery ready all over India to see that these elections are run as fairly and as equitably as it is humanly possible to do.

Dr. G. V. Deshmukh : Sir, I hope it will not be taken as anything personal against my colleague, Sir Cowasji Jehangir, who comes from Bombay ; but I take it that just as you have to expect rotten eggs in democracy, my Honourable friend, Sir Cowasji Jehangir, will not mind my telling him that a bath after rotten eggs is also included in democracy at any rate. What is the point about the whole discussion today ? It is not as if Sir Cowasji and myself are standing and he cannot educate the public in his own way or that I cannot educate the public in my own way. The point is that Government must remain neutral. It is not....

Sir Cowasji Jehangir : Should Government remain neutral when one party or the other intimidates its opponents from going to the poll ?

Dr. G. V. Deshmukh : I take that stand and say, what Sir Cowasji Jehangir cannot deny, that on the last occasion his supporters and colleagues took as much part in intimidation and preventing voters from going to the poll as the Congress supporters did.

Sir Cowasji Jehangir : I absolutely deny that and it is an open fact in Bombay.

Dr. G. V. Deshmukh : I have given to Sir Cowasji Jehangir every time because I am standing on such sure grounds that in spite of Sir Cowasji's denial he will not be able to prove his point. What is more, even Sir Cowasji's supporters did that. We who stood for the Congress never complained, but at 2 o'clock when the tide of the battle seemed to be turning, I say that candidates who were standing against the Congress went to the officers and complained. And Sir Cowasji will not deny that I myself told him that all the morning things were done in his favour and at that time I had not complained and how was it that he was complaining then ? Sir Cowasji Jehangir cannot deny that at all. And if Sir Cowasji Jehangir wants further evidence, I will call the Election Officer who presided at the election. He at any rate will bear me out that when Sir Cowasji Jehangir himself complained and when he approached me, I said it does not matter and this is bound to happen ; before morning Sir Cowasji Jehangir started by these methods and if these methods are being practised now in the afternoon there is nothing to complain.

Sir Cowasji Jehangir : All the morning I was supported by *bona fide* supporters.

Dr. G. V. Deshmukh : We were also supported by *bona fide* supporters.

Now, what is the point of the discussion ? My friend, Dr. Khan Sahib, nor myself will ever complain of the methods which would be followed by our opponents, because we can meet them, but when the Government

takes part, when they try to support a particular candidate, then, Sir, it must be admitted that the dice is already loaded against us. That is not playing the game, and therefore the whole point of the Resolution today is that we do not mind whatever methods are followed by one party or the other in support of their candidates. By all means let them adopt whatever methods they like. We are not frightened of intimidation, we are not frightened of whatever methods that may be followed, and when I refer to this, I mean the methods which are commonly followed in elections in England and elsewhere, because such methods are followed wherever democracy exists, but the point is this. Supposing two candidates fight against each other ; one candidate can take the same measures as the other candidate, but not if the Government supports one of them or shows any particular interest in him. That is the point of the Resolution. In this country particularly, Sir, it is very important that the Government should remain neutral, because, after all, whatever sham Government we have, it is generally supposed that the candidates who would get into the Legislatures after they are elected would take part in the Government, and it will therefore be most unfair on the part of Government to use any kind of influence or to show favoritism, or to use all the resources, all the giant's strength that Government is capable of for vitiating the elections. That is my point, and I take it that the House will agree with me that, so far as the Government itself is concerned, with all the machinery, with all the influence, with all the patronage and with everything at their command, they should try to keep the purity of the elections and should see that the candidates fight out their elections on their own merits. We are always ready for it.

Some Honourable Members : The question may now be put.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, it was very interesting to hear my friend Maulana Shaukat Ali.....

An Honourable Member : He is always very interesting.

Sir Muhammad Yamin Khan : He is really responsible for my getting up to speak on this occasion. My friend has spoken in his usual way, praising himself, maligning others who do not see eye to eye with him. That is his usual habit. If Honourable Members will look through his speeches, they will see that there is nothing else in those speeches except self-praise, mention of his own name, of his brother's name and of some others. He does not spare anybody with whom he does not agree. After all, he did not throw any light in his speech except mentioning something about his own election campaign, and what a strong candidate he would have been if he had fought against my friend, Sir Muhammad Yakub, about whom he talked because he was not in his seat.....

Maulana Shaukat Ali : I would have talked more if he had been in his seat.

Sir Muhammad Yakub (Shaking his fist at Maulana Shaukat Ali) : I would have floored you there and then.

Several Honourable Members : Order, order.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I must say these things won't be allowed in this House.

Maulana Shaukat Ali : Sir, on a point of order. A thing like this would have been unpardonable in a man like me, but for a man who has been the President of the Assembly once and who again tried for the Presidentship of the Assembly last year, this was most unpardonable, and I hope he will withdraw it.

Sir Muhammad Yamin Khan : Sir, whatever may happen, there were some very interesting things in the speech of my friend, Maulana Shaukat Ali. The first thing was he opposed the amendment. That was entirely wrong, because while he supported the Resolution, he opposed the amendment, and that shows clearly what his attitude generally is. Sir, you have rightly said that that kind of thing cannot go on in this House. When in this House my friend shows this kind of attitude, you can imagine what would be his attitude outside at the polling booth ! You can also imagine what his followers would do. That is the reason why my friend does not want to support the amendment which says " unruly conduct, demonstrations which are likely to cause the breach of the peace ". Because my friend likes to indulge in such acts, because he likes to induce his followers and friends also to indulge in such tactics, which my friend Sir Muhammad Yakub wants to do away with, the Government should take proper care to see that during elections there should be nothing done which would cause a breach of the peace. But that is not to the taste of my friend, Maulana Shaukat Ali.

Then, Sir, another thing which he said in his speech was this. He said that if my friend, Sir Muhammad Yakub, had made the speech he did in this House this morning, outside the House, something serious would have happened to him. In so saying my friend, Maulana Shaukat Ali, has let the cat out of the bag. Does it not mean that if anybody speaks in a manner which is not to the liking of my friend, Maulana Saheb, if anybody speaks or expresses ideas which are not in accordance with the ideas of Maulana Saheb or of his followers, he would not care to listen to such people and he would do something serious....

Maulana Shaukat Ali (in a loud voice) : I said nothing of the sort.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Order, order. I hope this line of argument will not be pursued any further. Enough of it. Let us now come to the merits of the question.

Sir Muhammad Yamin Khan : Sir, I am trying to show the reason why the amendment has been put in. It has been put in because we are anxious that free liberty should be given to all parties for election purposes, all candidates must have equal freedom ; there should not be freedom for only one section of the people ; there should be freedom for everybody. If aggression is not pardonable on the part of the Government servants, certainly, Sir, aggression can never be tolerated on the part of those who say they are not aggressive, but they are non-violent....

Maulana Shaukat Ali : I am not non-violent. (Laughter.)

Sir Muhammad Yamin Khan : Now another thing is this. The words used in the Resolution are public servants. And what is meant by a public servant ? Everybody today has attacked only the Government servants, but the people employed by the Government are not the only people who come under the category of public servants, they are not the only people who are public servants as defined by the law. There are public servants people who are employed in municipalities and District Boards, Municipal Commissioners, Honorary Magistrates, and others. May I ask my friend, Maulana Shaukat Ali, when he came to my house for his election, who had accompanied him ? Was he not accompanied by the son of an Honorary Magistrate who was using all his influence in favour of my friend, Maulana Saheb ? Was he not asking the Municipal Commissioners to use all their best influence in favour of my friend, Maulana Shaukat Ali, and get all the votes through the Municipal Commissioners ?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Well, my friend feels shy when I mention his own affair. He cannot deny that ; he will not deny the fact that he himself was using the public servants in his favour to do election work for him. Were there no other persons to help him ? Why should he have sought the help and assistance of these public servants ? If public servants are not allowed to take part in election campaigns, things would be quite alright. Sir, in my province a lot of complaints have been made that school teachers employed under District Boards have been using all their influence in favour of certain candidates ; it was not the Patwaris so much as the school teachers employed under the District Boards who take part in these elections, and all their influence was used in favour of the congress candidates. I would ask my friends not to sling mud at others. If they want nothing to be done to themselves, then they should be fair to others, and all elections must be free from undue interference by either one party or the other. I would suggest one thing, that no candidate should have any help from any source whatever, they should not get any help from public servants, and all public servants who are in a position to cast their votes or to use their influence on the voters should be prohibited from using any kind of influence. There may be voters who owe a debt, and they may be under the influence of a candidate who may be standing, but they are also as much entitled to see, in the interest of the country, that they return a properly qualified candidate, and they should not be debarred from voting. He should not be debarred if anybody goes to him and asks him " Whom are you giving your vote to ? " and he says " In my opinion this is the best candidate ". He is merely giving his opinion and that is no interference. But the real interference is this : when a public servant goes about and canvasses for a candidate and goes along with him from door to door asking for votes—that is really interference in the election. If a man merely says indiscreetly that he likes so and so, that is not interference, because he has not gone to anybody. I would therefore remind my friend, Maulana Shaukat Ali, that he would not be justified in not accepting the amendment, just to stop him from activities which he

[Sir Muhammad Yamin Khan.]

may like to indulge in and which might bring him into trouble—the activities which are mentioned in the amendment. If he gets into trouble and finds himself locked in jail, he should not blame others at all. Otherwise he has nothing to fear. I would advise him and his people that they should control their tongues and behave well and show to the world the benefit they are going to do if they are elected and show their own worth, instead of maligning and abusing the other side. If Maulana Shaukat Ali goes and says that he has been talking in this House about five rupees for his rickshaw and about other great services he has rendered to the country, I would not mind it. Let the public decide about it—it is their look-out. Everything must be fair. It is not as if everything is fair in love and war. It is not so. With these words I support the amendment as well as the Resolution and I think both should be accepted by the House.

Some Honourable Members : The question may now be put.

Mr. M. A. Jinnah : Sir, it is very unfortunate indeed that the discussion has drifted into totally irrelevant channels. I congratulate the Honourable the Law Member who spoke on behalf of the Government and laid down in his speech a very sound—and indeed the only possible principle : and I was glad that he indicated that the Government were prepared to accept the Resolution. Now, what is the Resolution ? I agree with the Leader of the House that Government cannot possibly guarantee the behaviour or the conduct of public servants. They can only deal with the Government servants. There I quite agree. With that modification let us understand what is really the object of this Resolution. I quite agree that in a large organisation with the changing times to which many of our bureaucratic friends, specially in the various districts, are not accustomed to yet, they are liable to go astray, and there is no doubt that they have gone astray. On the other hand, I quite understand that allegations may be exaggerated—may be in some cases unfounded. We are not discussing that now. But I think the Government will recognise—and I think the Honourable the Leader of the House who spoke on behalf of Government will recognise—that we have had sufficient evidence to justify the tabling of this Resolution on the floor of this House. I am glad that the Government have taken up an attitude of vigilance and I hope that the Government of India will maintain that vigilance and see that no Government servant is allowed to interfere with the elections directly or indirectly. When you use the phrase ‘directly or indirectly’ what does it mean ? It does not mean that if any offence is committed, if any law is broken that those Government servants will fail to perform their duty. It does not mean that. What is the use really of having an absurd amendment of this character ? It goes without saying. All the laws are not abolished : all the officers of the Government will not cease to function. It is an absurd thing to suggest a thing like that.....

Sir Muhammad Yakub : If the amendment is absurd, it is as absurd as the Resolution itself : both stand on the same footing. When there are laws, what is the use of asking the Government to do this ?

Mr. M. A. Jinnah : I am really astonished at the capacity of my Honourable friend who interrupted me. Cannot he follow a simple thing like this ? That there is no other remedy open to us. If a Government servant influences an election, it is not illegal ; it is not criminal. He is entitled to do it expect that he breaks a rule of the service ; and that rule has been laid down in Great Britain and in this country for the conduct of Government servants. When we find that there are symptoms, that there is some evidence that this rule is being broken, I cannot prosecute a Government servant if he influences my voter. There is no law against it. I can only appeal to the Government and I can only say to the Government, " Please see that these very rules which are fundamental for the conduct of your servants are observed ". Therefore, the Resolution is not at all absurd. It demands that these rules are observed and enforced by Government. But the amendment assumes that if the Resolution is passed, then all the laws, criminal and civil, and laws relating to election and all other matters will come to a standstill and will not operate. The absurdity is that. Therefore I do not think I need dilate any more on this question. I think the House ought not misunderstand me—please don't think for a single moment that I am approving of hooliganism. Don't think that I am approving of, or that I am holding a brief for, the conduct of some members of the Congress. And Congress is a big organisation. Congress is a party of thousands and thousands of people all over the country. Those who belong to the Congress are not servants of the Congress. They are not paid by the Congress and it is not easy for them to control individuals.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh : Muham-madan Rural) : Paid by whom ?

Mr. M. A. Jinnah : Not by you. You would generally like to be paid for what you do ! (Laughter.) I am not defending it, and I think, as the Honourable the Leader of the House pointed out, such conduct has already been condemned by the leaders of the organisation, and I have no doubt that Honourable Members sitting here will endorse when I say that we do not desire hooliganism. (" Hear, hear " from the Congress Benches.) We want to go before our people with our policies and programmes, and we want to ask the electors to elect fairly and squarely any one they like. But, Sir, during the course of elections and party controversies, even in the most regulated countries, a certain amount of excitement, a certain amount of disorder is but normal and natural. What happened in England only the other day ? Sir Oswald Mosley, the leader of the Fascist Party which he is starting in England—what happened to him ?

Mr. F. E. James (Madras : European) : Stoned.

Mr. M. A. Jinnah : But there is the law which can deal with it.

Mr. F. E. James : It was not an electioneering speech.

Mr. M. A. Jinnah : Therefore, I say, why mix up these two questions, namely, a party controversy, parties fighting for election,—why mix up that question with the question whether the Government should not be vigilant and see that the Government servants do not influence or take part directly or indirectly in the election ? Why mix that up ?

[Mr. M. A. Jinnah.]

Sir, I have done. I am glad and I say I congratulate Government indeed for taking up the right stand that they have done in enforcing their own rules. (Applause.)

Some Honourable Members : Let the question be now put.

The Honourable Sir Henry Craik : I understand I am entitled to speak on this Resolution for half an hour. If the House has to take up the adjournment motion at 4 o'clock—however, I have not got very much to say. It seems to me that there are two quite distinct and separate aspects of this question before the House today. First is that raised in the Resolution itself, which deals with the conduct of individual Government servants. It recommends that they should not interfere directly or indirectly with elections. Well, Sir, as regards that, I have only to say that that is and always has been one of the main rules regulating the conduct of Government servants. The rule is as follows :

“ No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in any election to a legislative body whether in India or elsewhere.... provided that a Government servant who is qualified to vote may vote.....”

That is the principle of the rule and that is the principle which Government intends to and has in the past enforced. In view of the approaching elections Government have recently very pointedly called the attention of all Local Governments to this rule, and most, in fact, I think I can say all Local Governments, have called the attention of their own servants to the rule. That is the first point raised by the Resolution itself. The point raised by the amendment deals with an entirely different question. It urges on this House that all electioneering activities which threaten to cause a breach of the peace should be put down—I think the wording of the amendment is, “ with strong measures ”.

As regards the first point, that is the conduct of individual Government servants, my Honourable friend, the Law Member, has made it perfectly clear that Government accept that principle, and as I have said they have recently reminded the Local Governments who in turn have reminded their own officers of the necessity of observing that principle closely. I do not really see what more Government could have done. Certain allegations have been made in the press, but none I think on the floor of the House today, that this rule has been broken by individual Government officers. If that is so, I do not admit that it has occurred to any serious extent. I can only say that Government cannot be held responsible if in certain circumstances one or two of the many thousands of Government officers have behaved indiscreetly or shown a partiality for one side or another.

An Honourable Member : But what about Executive Councilors ?

The Honourable Sir Henry Craik : But no such allegations have been made in the course of this debate.

Mr. M. A. Jinnah : I must say that I refrained from going into it after the statement made by the Honourable the Law Member, otherwise you would have heard a great deal.

The Honourable Sir Henry Craik : No allegations have been made in the course of this debate and I therefore have no case to meet. If allegations are made I will do my best to meet them.

Sardar Sant Singh (West Punjab : Sikh) : May I present the Honourable Member with this open letter addressed to the Members of the House ?

The Honourable Sir Henry Craik : Had any allegations been brought to my notice I would have certainly attempted to meet them. I have certainly seen certain allegations in the press and I have made enquiries, and I find in the vast majority of cases they have been investigated and were found to be completely without foundation.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : The United Provinces Court of Wards Circular !

The Honourable Sir Henry Craik : That has not been made in the course of this debate. If it had been, I would have met it. I will deal with that point at the next meeting of the House. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

The Honourable Sir Henry Craik : I will turn now to the second point, namely, the point that is embodied in Sir Muhammad Yakub's amendment. I would like to state quite clearly, especially with reference to what fell from the lips of my Honourable friend, Sir Cowasji Jehangir, what the policy of Government is in regard to these matters. Government cannot tolerate illegal or seditious activities merely because they are carried on under cover of an electioneering campaign. While it is the duty of all executive officers and indeed of all officers of Government to maintain an attitude of complete detachment towards the various parties which are seeking the suffrage of the electorates, it is at the same time equally the duty of Government to protect the structure of law and order and the machinery of the administration from subversive and unconstitutional attacks. This is especially necessary during the period of change-over from one form of constitution to another. Neither Government nor its officers can stand by and allow an electioneering campaign to degenerate into dissemination of sedition, intimidation of rival candidates or their supporters, or the fostering of a revolutionary mentality in preparation for a fresh campaign of direct action.

That, Sir, is, in brief, the statement of the policy of Government towards the matters dealt with in the amendment. And it seems to me that the amendment, though in somewhat loose language, sufficiently embodies that statement of policy. Such action as Government has been compelled to take in one or two provinces in pursuance of that policy.....

(It being Four of the Clock.)

Mr. President (The Honourable Sir Abdur Rahim) : Pandit Lakshmi Kanta Maitra.

MOTION FOR ADJOURNMENT.

CONTROL OF THE SOLDIERS ON THE FOOTBALL GROUND AT ANNANDALE,
SIMLA.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muham-
madan Rural) : Mr. President, I move that the

4 P.M.

House do now adjourn. The facts which give rise

to this motion for adjournment may not be known to everybody in this House. The facts are briefly these. As Honourable Members are aware games are going on in Annandale in connection with the Durand Football Tournament. In these contests, several Indian teams from Calcutta have come to join. What happened yesterday was that the Aryan Team of Calcutta, an Indian team, met the Green Howards, a military team, in the third round of the Durand Tournament. A military team was pitted against an Indian team and naturally there was a vast concourse of spectators, including several hundred Indian ladies and little children. The game was a very thrilling one and when the Aryan team won the game by one goal and the game was coming to a close, feelings began to run high. I am not going into the merits of it, but the feeling got round that the refereeing was not impartial and the bystanders and onlookers who had come to witness the game became very much agitated. The play commenced at about 5 P.M. and it was to terminate at 6. When it was four minutes past six, the players of the Aryan team became very restive and the onlookers also became very restive. They felt that after all justice was not being done to the Indian team. Anyhow the play went on and several penalty shots were given against the Indian team which in the opinion of the spectators was not just and fair. Two of these penalty shots were averted by the goal keeper of the Indian team and the Honourable Members of the House can well imagine the feeling of the Indian team as well as the spectators when in close succession two shots were stopped by the Indian Goal Keeper and immediately after this, another penalty shot was ordered by the referee, and the trouble started. The Indian team felt that a good deal of injustice was being done to it and it had behind it the entire sympathy and support of the bystanders, who also thought that from the beginning refereeing was not properly done. (Interruption by Mr. James.) I cannot follow what the Honourable Member says.

Mr. N. M. Joshi (Nominated Non-Official) : Is it Association Football or Rugby that is going on there ?

Pandit Lakshmi Kanta Maitra : Whatever it may be confusion started. The military team was given the penalty shot which they utilised because the Aryan team lost heart at the mandate of the referee. They never deserted the field. They did not take much interest in it and the game ended in a draw. There was tremendous feeling in the field that the Indian team was not getting justice at the hands of the referee. A good deal of shouting of 'Shame' went on and immediately after that the Punjab Regiment was ordered to keep order in the field. Everything went on well for a time and a portion of the crowd melted away. All this time the British soldiers who had been posted there were biding their time. When the crowd had melted to a considerable extent, the soldiers began chasing the rest of the crowd and assaulting them right and left. As I said earlier, there were several hundred ladies and young children and girls and the House can well understand their position. The soldiers began striking people with whatever they could lay their hands on—broken

chairs, legs of chairs, bamboo sticks, batons and metal-mounted sticks. Fortunately the spectators formed a cordon round the ladies. You can well understand their fright because the very people who were there to preserve order broke the law and began assaulting people, all and sundry. I can dimly visualise what happened from the reports I have received. It was turning into another Jallianwala Bagh. You can imagine a place like Annandale, 1,500 feet below the level of the place where we are sitting. The exits are so few. The ladies have got to climb up hill. The children were running about pell mell. There was confusion and chaos and these military people were indiscriminately assaulting people with all sorts of weapons. A grave disaster was in view and to the eternal shame of the Indian spectators, it must be said that they allowed themselves to be chased, because they were unarmed. Later on it was noticed that two young boys were found unconscious on the field. (*An Honourable Member* : "Not thousands?") There may be thousands, I do not know. I am not now talking of the numerous people who got wounds and injuries from batons, whips and the metal-mounted sticks and broken legs of chairs. I shall not be surprised if thousands got injuries, if the number mounted up to thousand, because the concourse was so big and the hooligans were after their work with such demoniac frenzy. Then, Sir, these two young boys were attacked. I understand the name of one of the boys is Halim, a Muslim young boy aged about fourteen : he is a student of the Sir Harcourt Butler High School—not of course Sir Abdul Halim Ghuznavi (Laughter), and the other boy, I do not know his name (*An Honourable Member* : "Abdul Hamid"), is aged about twelve years. Now these two boys were found lying unconscious on the field. Now the fun of the situation is—and I ask Honourable Members of the House to carefully consider the position—that there was this assault going on ; everybody left ; these two boys were lying on the field for two hours and a half ! Later on these boys were found lying unconscious on the field ! There was nobody—none from my Honourable friend, Mr. Tottenham's Department to come and administer even first aid ! Then, Sir, Professor J. K. Seal, the trainer of the Aryan team, found these two young boys lying unconscious ; he then secured improvised stretchers, rendered them first-aid and then with the help of his own team and others brought from elsewhere, removed these two boys to their homes. I do not know their immediate condition, but I have got information that up to half past nine their condition was very precarious....

The Honourable Sir Henry Craik (Home Member) : Half past nine last night, or this morning ? I thought the boy died this morning ! (Laughter.)

Pandit Lakshmi Kanta Maitra : I do not understand what the Honourable Member means by constantly reminding me of that and saying he thought the boy died this morning. Sir, he ought to realize....

The Honourable Sir Henry Craik : I asked "half past nine A.M.", or "half past nine P.M." ? (*Voices* : "Shut up, shut up.")

Pandit Lakshmi Kanta Maitra : Sir, I never thought that the Honourable the Home Member wanted to import so much heat into this affair.

The Honourable Sir Henry Craik : I was asking if it was at half past nine this morning or last night.

Pandit Lakshmi Kanta Maitra : I said last night.

Mr. President (The Honourable Sir Abdur Rahim) : I do not think there ought to be any more heat displayed.

Pandit Lakshmi Kanta Maitra : Sir, I submit the other side is trying continually to provoke me although I am trying to approach the matter in a calm and dispassionate way. Sir, what happened ? Sir, I myself have seen some of these incidents. I myself was passing along the Mall at half past nine last night, and Honourable Members will believe me when I say that after this brutal incident, I found the military people taking out a sort of procession, sounding their trumpets and drums and going like that all the way right from the Mall road, down the Assembly quarters, and further on. I was actually passing that way. They were celebrating their glorious act of heroism ! Sir, that is a fact, I saw that incident with my own eyes. Most of them were drunken, some of them were brandishing their sticks and some were shouting slogans, and all that was enough to frighten all men on the road. (Laughter.) Now the question is being frequently raised by the Honourable the Leader of the House and also by the Honourable the Home Member whether the man is dead or not ! Sir, you have seen the terms of my motion for adjournment. You can well understand what meagre facilities we have so far as we are concerned for knowing definitely whether the boy is surviving or is dead. All I said was that the injury was a very serious one,—and, Sir, it was not an isolated act. In the camp of the Aryan team another young man aged about thirty-two was found with a wound about an inch deep on the head. I understand, that Honourable the Law Member said a few minutes ago that he simply broke his collar bone. Sir, it is not such a simple case as he imagines it to be, there was also a gaping wound on his head and blood was coming out in profusion. Sir, I want this to be borne in mind. After all, we have had enough of this sort of devilry on the part of these blood-hounds. I put it to Honourable Members....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more.

Pandit Lakshmi Kanta Maitra : Sir, if, in the very headquarters of the Government of India, under the very nose of the Adjutant-General, who is, I believe, next in rank to the Commander-in-Chief and who was present there on the field, if within a stone's throw of His Excellency the Viceroy's residence and within a stone's throw of this very Legislative Assembly Chamber and also of the great Imperial Secretariat, and also within a very short distance of Army Headquarters, these things can take place, then, I put it to all Honourable Members, where do we stand ? What, then, is the position of poor and ignorant villagers, the ordinary people who live far away from the headquarters of the Government ? Sir, is not this a very very serious matter ? It is, so far as I am concerned, absolutely immaterial whether the victim is a Hindu, a Muslim, a Christian, a Sikh, or even a European. The unarmed civil population does demand some amount of protection,—and what is worthy of note in this connection is that the police were conspicuous by their absence there ! No police could be found there, and I submit that that is a very serious matter. Sir, this is a matter which should be stopped by all means and I ask every Honourable Member to support this motion so as to put a stop to such hooliganism of the soldiery for all time. (Loud Applause.)

The Honourable Sir Henry Craik : Sir, after the wholly fantastic and complete distortion of the facts which the House has just listened to, I propose to present to you with a cold and brief statement of the facts, as ascertained by me partly from people who were present throughout, partly from the police, whose duty it is to inquire, and partly from my own personal observations. The facts of the incident, as far as they can be ascertained at present, are as follows. A match was played yesterday afternoon between an Indian team and a British team. The match was played in a perfectly friendly spirit, but just before the close a decision by the referee made the result a draw of one goal all, instead of a victory by the Indian team. As a result of this, the Indian team refused to continue the match. The captain and manager of the Indian team attended a meeting of the Durand Football Tournament Committee this morning, at which the decisions of the referee were upheld as being strictly in accordance with the laws of football, and the Indian team's withdrawal from the match was reluctantly accepted by the Committee. At the end of the match, a section of the Indian crowd rushed on to the ground but were at first persuaded to withdraw without difficulty, with the help of some Indian sepoys on duty and by members of the public. As soon as the Indian team walked off the ground, the rush was, however, renewed in much larger numbers and a demonstration took place in front of the Committee, and this lasted for some time. I saw this myself. This went on, as I have said, for some time, and after dark the crowd proceeded to do considerable damage to the chairs, *kanats* and other property of the Committee. There were several attempts to set fire to these articles—chairs and *kanats*. In the confusion, as far as can be ascertained, three persons were injured, two very slightly, and one of them a boy who received a cut on the head and who remained for a very short time unconscious. That is the boy Abdul Halim to whom reference was made....

An Honourable Member : How did they come by these injuries ?

The Honourable Sir Henry Craik : The boy received medical aid on the ground—so far from being left unconscious on the ground for two and a half hours as alleged—by a British orderly and a British military assistant surgeon.

Pandit Lakshmi Kanta Maitra : The Honourable Member is misinformed.

The Honourable Sir Henry Craik : The "Honourable Member" is not misinformed.

Pandit Lakshmi Kanta Maitra : I met the captain of the team.

The Honourable Sir Henry Craik : What does he know ? It is certainly untrue, as was alleged this morning and as was repeated, in spite of my challenge, by other Members including my friend, Mr. Satyamurti, that any person has died as a result of the incident, nor is there any proof that the injuries were caused by soldiers, British or Indian....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : May I interrupt for a moment ? I was told so by a friend whose veracity I had no reason to doubt, but I apologize to the House for having said so, without further ascertaining the facts, on that mere testimony, and I am sorry for that.

The Honourable Sir Henry Craik : I quite accept that, and can only regret the Honourable Member did not look into his friend's information. The boy, as I said, received medical attention on the ground by a British orderly and was then taken up to Simla and examined by a private doctor. There is no fracture of the bone. The skin was cut but the boy was never in the slightest danger. He is now as well as possible and he wanted to go to the school this morning, but his father did not allow him. I rang up the police half an hour ago and it was said he is perfectly all right.

Pandit Lakshmi Kanta Maitra : Is his father a Government servant ?

The Honourable Sir Henry Craik : What is the significance of that question ?

Pandit Lakshmi Kanta Maitra : I want to know it as a piece of information.

The Honourable Sir Henry Craik : Well, Sir, as I have said, one boy was very slightly injured ; he got a cut on the head and was unconscious for a few minutes. There were no other injuries at all except to two persons who received trifling injuries. The story of the person who had a wound 4 inches deep on his head in the Aryan Team Camp is so far as I know a complete invention. The facts are under investigation by the police at present. Having explained what actually occurred and having shown what a complete exaggeration of the facts has been presented by the Honourable Member opposite, I submit that it would be most unfair for this House to make any reflection on the conduct of any person. There is no proof whatever that any of the injuries were caused by soldiers, either British or Indian. The only soldiers on duty on the ground were Indian soldiers from Jutogh. I need only add that the soldiers who were present on the ground as spectators were there as ordinary citizens like any other spectators and, as such, they are subject to the ordinary law of the land.

Now, Sir, I have only one further observation to make and that is that I have made it clear to any impartial listener that the importance of the incident has been grossly exaggerated and that by no stretch of imagination can it be described as a matter of urgent public importance. What has happened.

Mr. President (The Honourable Sir Abdur Rahim) : I ruled that the motion was in order on the statement made by a number of Members on the non-official side that one of the men who were assaulted had died. If I had known that, as a matter of fact, no one had died and no really serious injury had been inflicted, I would certainly have ruled the motion out of order.

The Honourable Sir Henry Craik : That is exactly my point. The Chair was deceived and the House was deceived as to the facts, and I submit, with great respect, that an apology is due to the Chair and to the House from the Mover of this motion and from his friends who gravely exaggerated the importance of what occurred and who asserted, when challenged by me across the floor of this House, if they were certain that someone was dead : " Yes, we are certain." It was on that misrepresentation that the Chair ruled the motion in order. I submit that if the facts

had been known as I have put them now, it could not possibly have been held that the matter was one of public importance, still less should it have been made the occasion for making disgraceful and entirely exaggerated charges against British soldiers.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order : I must make it clear that the leave for a motion of adjournment is not to be asked for unless the matter is one of real public importance, otherwise the business of the House will be dislocated and a great deal of public time will be wasted. I think in this matter there was a little bit of hurry and I do not think the motion ought to have been moved unless the facts had been ascertained and perhaps, I may admit, it would have been better on my part to let this motion stand over till tomorrow morning, so that the facts might have been ascertained in the meantime.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I have listened with great attention to the speech of the Mover of the motion and the speech of the Honourable the Home Member and I find there is some confusion as to the issue involved in this adjournment motion. I must submit that the issue is not whether the Referee to the match between an Indian team and a British team was partial or impartial. Neither is there the issue whether the team was justified or not justified in accepting the decision of the Referee nor is there the issue that the spectators were justified or not justified in the subsequent conduct which followed the incident, but the issue which is before the House and which is the subject matter of this motion is how far the soldiers were justified in taking the law in their own hands by assaulting the unarmed crowd which was there. That is the issue and from that point of view we have to see whether the facts have been established or not that there were assaults by British soldiers on the unarmed crowd that had gone there to witness the match.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must remember that the facts are not undisputed.

Sardar Sant Singh : I am coming to that. My position is that after the speech which the Honourable the Home Member has made in this House one fact remains clear and undisputed and that fact is that after the match there was an excitement in the crowd. There can be no doubt about it. The excitement had gone up to such a degree that it led to the acts of mischief by the crowd and assault by the soldiers.

The Honourable Sir Henry Craik : On a point of personal explanation. I have never said anything of the kind at all. I said there was not the slightest evidence that any of these injuries were caused by the soldiers nor is there evidence that the soldiers came in conflict with the crowd at all, so far as I am aware.

Sardar Sant Singh : I am sorry the Honourable the Home Member has not understood me. I said that from the speech of the Honourable the Home Member this fact is very clear that the crowd was excited after the match. Does he dispute this fact ? If he does, then the subsequent acts of the crowd and the subsequent acts of the soldiers should not have happened as they have happened. Nobody can dispute the fact there was much excitement.

The Honourable Sir Henry Craik : The Honourable Member is representing an inaccurate version of my speech. I have never admitted that there were any acts by any soldiers in conflict with the crowd. The soldiers did not come into the picture at all.

Sardar Sant Singh : I will again say that the Honourable Member has not tried to understand me. What I say is not what the soldiers did, but what I say is that there was an excitement on the spot after the match was over. Does he admit this fact or not ? The question is and the question is of great importance whether the soldiers who were there did take part in assaulting the crowd or not and this fact is denied by the Honourable the Home Member. I may say without any fear of contradiction that the knowledge of the Honourable the Home Member so far as it relates to his personal knowledge and he said that he saw something there in the match, I do not dispute. But as regards that portion of his statement which is the result of his enquiries, I dispute that portion and I have got very good grounds to dispute the same. I will now relate all the facts that came to my knowledge. I was sitting with a friend in the Cecil hotel when a boy from the football field came running to me and told me what happened in the football tournament. After that I went to the Mall to make enquiries myself and found British soldiers coming from the Mall side towards the Cecil hotel singing jubilant songs and making a great hue and cry. That really gave me a great shock of my life. There were two friends of mine who were present with me then and they will bear me out that soldiers were singing and making a lot of noise as if they were celebrating some great victory. It was at that time that I learnt of a Muslim boy having been seriously injured and that on his way to the hospital he died. I did not put much faith in this hearsay story, therefore as soon as I went home I phoned up the Associated Press to find out whether the boy was dead or simply injured. So far as this portion of the report about the death of the boy is concerned, I may safely say that this rumour was current at that time of his death. I am very happy to know that it had proved untrue later on. However, Sir, coming to the point the fact still remains that every man on the Mall was complaining of the behaviour of the British soldiers in assaulting the unarmed crowd there. Nobody can contradict this fact that assault was made. Why ? I ask the Government to take up the attitude that they will make thorough enquiry into the matter and come to a definite decision whether the British soldiers did assault. We have substantial grounds for alleging that the British soldiers did assault the innocent and unarmed crowd in the football match. When there is dispute between the two parties on this point, we are entitled to demand from the Government an enquiry into the conduct of the soldiers. If our allegation is correct that the British soldiers did assault the crowd, the question remains what right had the British soldiers to take the law in their own hands and assault the crowd, except if it be in the right of private defence. Of course it is the duty of the police to maintain law and order. Why was not the police sent for ? Why did not the police take up the matter in their own hands. These are relevant questions which the Government will have to answer. If the soldiers rely upon the right of private defence for their assault on the crowd, then the Government will have to state how many persons amongst the soldiers had received injuries in the assault by the mob upon the soldiers. There is no such

proof. The Honourable the Home Member has not come out with any facts that soldiers received injuries at the hands of the mob. This is a point which we expect the Government to make clear, whether any soldier received any injury at the hands of the mob.

The Honourable Sir Henry Craik : I never made any assertion that any soldier received any injury at the hands of the mob, nor did the soldiers rush at the mob. Nothing of the kind happened. The Honourable Member is drawing entirely from his own imagination.

Sardar Sant Singh : I happen to have one. Then, the point is if the soldiers did not receive any injury at the hands of the crowd, what right had they to assault the crowd. So far as I know there was no order from their Officer to make any assault on the crowd. The question is were there or were there not any commanding officers of the army who could have controlled the soldiers. I understand that there were officers of the army who were present there. I would like the Defence Secretary to enlighten us on the point whether at that time and in the circumstances an officer of the army is entitled to assume command of the soldiers or not. I am ignorant of that fact. I would like the Honourable Member to clear this point. I understand that Lieut.-General G. Brand was present and was an eye-witness to the whole affair. Why did he not take up the command of the soldiers and control them. If that officer did not do so, I think the Government deserves to be censured in this House.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, I have listened with great attention to the statement of the Honourable the Home Member and his statement clearly indicates that from whatever point of view we look at it, we on this side of the House can hardly put our faith in that statement. It may be that the information, which the Honourable the Home Member had, may be from an eye witness on the field, but nonetheless we were informed on this side of the House by my Honourable friend, Pandit Lakshmi Kanta Maitra, that there were serious injuries inflicted to a boy and in the morning the Honourable the Law Member also admitted that the collar bone of the boy was broken.

The Honourable Sir Nripendra Sircar (Law Member) : I must correct my Honourable friend. I did say that I believed that the collar bone was injured or broken, but I made it perfectly clear that I was not asserting that his collar bone was broken. If my Honourable friend wants to quote me, he will quote me correctly.

Mr. D. K. Lahiri Chaudhury : After the interruption which was made by my Honourable friend, Mr. M. Asaf Ali, the Honourable Member shelved his previous remarks and said that his collar bone was either injured or broken. One can easily understand whether it is easy to injure or break the collar bone unless there was a big assault. Even if the collar bone was merely injured, it amounts to grievous hurt under the penal law of the land. That is the legal aspect of the matter. The Honourable the Home Member said in his statement that the referee was giving a very fair decision till the end of the game, but this is absolutely without foundation. I came in contact with the players of the Indian team who took part in the game, I do not want to give the name of the gentleman whom I met, he told

[Mr. D. K. Lahiri Chaudhury.]

me that up to 50 minutes, the only goal scored was that of the Indian team and when there was only ten minutes left, the referee was anxious to give an advantage to the Army soldiers team and so he gave six or 7 fowls and other decisions which were absolutely incorrect according to the judgment of everybody. Later on three penalty kicks were given by referee most partially which took over time than the scheduled time.

The Honourable Sir Henry Craik : We are not now discussing the merits of the referee's decisions.

Mr. D. K. Lahiri Chaudhury : One fact is clear that when the game was over, and when the Indian team retired to their camp, the spectators came over and demanded justice. They did not show any demonstration. I challenge the statement that there was any demonstration on the part of the spectators before the assault was made. There was no demonstration till then. All of a sudden the British soldiers began to assault the crowd.

Mr. President (The Honourable Sir Abdur Rahim) : I hope the Honourable Member will not convert this debate into another football match.

Mr. D. K. Lahiri Chaudhury : For the information of the Honourable the President, I may say that I played football in my school days. I am interested in football and that is why I am standing here to speak on behalf of the injured team. I was interested in Calcutta teams and I used to take part in football associations. It is certainly a fact that these spectators were showing no demonstration. Then I am told the Royal Scots Regiment rushed towards the public and started the assault. Why ? Because they demanded justice. They only made one shout and one cry demanding justice. If that be a demonstration I think any honest cry may come under the category of a demonstration. It is absolutely without foundation to say that they were unruly. The fact is, as stated by my Honourable friend, Sardar Sant Singh, that the soldiers had no business to interfere and clear up the ground ; that is the duty of the police. And were these boys assaulted by the police or by the soldiers ? The Honourable the Home Member said that no soldiers were injured. But how can he expect the soldiers to be injured when they attacked an unarmed mob ? It is only the public who were injured. Who made these injuries ? Certainly it was the soldiers and not the policemen, and that is the only reason why this adjournment motion has been moved. The time has come when some serious steps should be taken about these Tommies who come to witness the game, in order to keep them in order. It is true not only of Annandale but also of other places throughout India where it is happening every day. If there is any difference of opinion between this side and Government, that is all the more reason that there should be a committee of inquiry consisting of the elected Members of this House as well as Government Members to go into the matter and find out the truth.

The Honourable Sir Nripendra Sircar : With Mr. Lahiri Chaudhury as President.

Mr. D. K. Lahiri Chaudhury : Yes, certainly, why not ? And I will take you as my Deputy (Laughter), in which case the legal side will be absolutely safe. The fact is that there has been an assault, and though it has been said by the Home Member that it is a slight assault, I think that is a question of opinion. Our information is that the injuries are serious. Why should a man with a slight injury be taken to hospital ? For slight injuries there are medical arrangements on the ground itself ; and the fact that the boys were taken to hospital clearly indicates that they were seriously injured. He contradicted the statement of my Honourable friend, Pandit Lakshmi Kanta Maitra, that there was a gash of four inches and said it was only $2\frac{1}{2}$ inches and the only skin was cut. But there was profuse bleeding and if the skin was cut there could not be profuse bleeding. But there are two versions of the fact and that is why there should be an impartial inquiry by the elected Members of this House as well as Government. This is a very serious question. These soldiers who come to witness the game are always unruly and take the law in their own hands and deal with the public in a most atrocious way. That must be stopped, and it is with that simple object that this motion was tabled. I think the time has come for the military department to take adequate steps to stop these things. Sir, I support the motion.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the question be now put.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the House do now adjourn.”

The motion was negatived.

RESOLUTION *RE* INTERFERENCE FROM PUBLIC SERVANTS IN THE ENSUING ELECTIONS.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion of the Resolution. Sir Henry Craik.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I move, Sir, that the question be now put.

The Honourable Sir Henry Craik (Home Member) : Sir, I am sorry, I have lost rather the thread of my speech—I was in the middle of it and I am not quite sure that I am in a position to resume it.....

Mr. President (The Honourable Sir Abdur Rahim) : If the House desires, not to sit any longer, I will adjourn.....

Honourable Members : Let us go on.

The Honourable Sir Henry Craik : Sir, I think I was enunciating the policy of the Government in regard to certain features of elections. I think I had finished that part : and now I will try to deal with such

[Sir Henry Craik.]

allegations as have come to my knowledge of alleged acts of interference by individual officers of Government. I have made inquiries from all Local Governments as regards such allegations and the general effect of the replies I have received is as follows. The Burma Government stated that only one allegation had been made, that it had been investigated and found to be untrue. The Punjab Government said that in one case the allegation was made that a Government servant had used his official position to influence an election. The Government servant in question was a subordinate judge and his wife is or was a candidate for a certain women's seat in the new Assembly. I think the House will agree that the gentleman in question was probably in rather a difficult position, torn between loyalty to his wife and to the Government Servants' Conduct Rules. However, he was reminded that his duty was to abstain from all interference. Next I come to the province of Bihar, where apart from certain general criticisms that the present Ministers are taking part in electoral tours, there have been very few complaints against officials as such. Certain complaints were made, e.g., that certain District Magistrates had invited local people to meet the Minister when he visited their district on tour. An insinuation of that sort really hardly requires any refutation and I cannot see that it is in fact an allegation of a breach of the Government Servants' Conduct Rules. Then certain allegations have been made against His Excellency the Governor personally, but that it would be out of order for me to discuss under the rules of this Assembly. I only mention these as showing how wild the allegations are and if it were in order for me to discuss them, I think I could completely refute them.

Next we come to the United Provinces where I find a number of allegations were made in a letter that was addressed to a large number of Members of this Assembly by a gentleman called Rafi Ahmed Kidwai, who, I understand, is the president of the United Provinces Provincial Congress Committee....

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : At last you are correctly informed !

The Honourable Sir Henry Craik : I am generally correctly informed. (Laughter.) The Honourable Member will find that my information is usually correct. I have asked the United Provinces Government whether they want me to say anything about the allegations made by this gentleman and the reply I have is that his allegations are for the most part a tissue of absurd falsehoods. I understand that this gentleman's party are largely relying in their election campaign on propaganda to the effect that their opponents are a party backed by Government.....

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Which is a fact !

The Honourable Sir Henry Craik : and they hope that by that propaganda they will weaken the popular position of their opponents ; at the same time, if they themselves are defeated they have got a perfectly plausible excuse ; and they are busily engaged in finding facts to fit in with this kind of propaganda. A debate on

much the same question, but dealing with local elections and not with legislative elections, took place in the United Provinces Legislative Council a short time ago when a number of allegations were made of that kind. This was in June of this year and they were met in a long speech by the Government Member concerned who showed that the allegations were for the most part completely unfounded.....

Pandit Govind Ballabh Pant : Are there any Congressmen in the United Provinces Legislative Council ?

The Honourable Sir Henry Craik : I do not know. There was one substantial allegation made in this letter of Mr. Rafi Ahmed Kidwai about a gentleman named Mr. Hobart, a Commissioner in the United Provinces, and another gentleman named Mr. Darling who is also a Commissioner. The letter says "Commissioners like Messrs. Hobart and Darling have never considered themselves bound by any such restrictions",—that is restrictions like the Government Servants' Conduct Rules—"Mr. Hobart recently visited Basti where he interviewed all possible anti-Congress candidates and selected one for one of the constituencies in the district and made others retire in favour of his nominee. Of all the candidates in the field to contest the Khalilabad seat, he thought none would have a chance against the Congress nominee, and therefore he persuaded a certain gentleman (whose name I had better perhaps not mention) to seek election from that constituency; and these in my opinion will be adopted as candidates of the Nationalist Agriculturist Party". There is a lot more about this gentleman. The Government of the United Provinces reports that the only action Mr. Hobart took in connection with elections at all was to compose certain differences among rival candidates in his own division.....

Pandit Govind Ballabh Pant : Is that proper ?

The Honourable Sir Henry Craik : I do not really see that it is, under the strict letter of the law, improper.

Pandit Govind Ballabh Pant : That does not amount to any interest in elections ?

The Honourable Sir Henry Craik : I do not think it does. If two candidates, as I imagine happened in this case, referred their differences to the Commissioner, I do not think it is improper for the Commissioner.....

Pandit Govind Ballabh Pant : Appointed him umpire ?

The Honourable Sir Henry Craik : I understand that they referred their differences to him and asked him to settle them.....

Pandit Govind Ballabh Pant : Are Government servants allowed to do that ?

The Honourable Sir Henry Craik : I do not see that that is improper. It is certainly not interfering with or identifying himself with any particular party. I would say that on a strict reading of the rules, it does not seem to me to violate the letter of the rules nor does it in principle violate the spirit of the rules.

Pandit Govind Ballabh Pant : It is proper then for Government servants to interfere in that manner ?

The Honourable Sir Henry Craik : That is the only foundation for the allegation made in this letter of Mr. Rafi Ahmed Kidwai against Mr. Hobart. As regards the other officer, the Local Government say that so far as they are aware there is no foundation at all : he did not even do that comparatively harmless task : he has not interested himself in any way whatever in the elections. Then there is a further statement in the letter that the Government staff employed in village uplift work are used as an electioneering agency. That, I am told, is a completely false statement which has no foundation whatsoever. Lastly, I come to the allegations about a circular issued by the Court of Wards, but as that is a subject which may take some time, perhaps I may be allowed to reserve my remarks till the resumption of this debate next day.

Mr. President (The Honourable Sir Abdur Rahim) : Very well. 5 P.M. Before the House adjourns, I would mention that I wanted to sit till 6 o'clock tomorrow, but I understand now that there is a function in honour of the South African Delegation and many Members of this House want to attend it and therefore I have been asked not to sit beyond 5 o'clock tomorrow. I have also been asked that the question hour may be dispensed with tomorrow. If that is the desire of the House, I shall do so.

Honourable Members : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Well, then, there will be no questions tomorrow. The House stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 2nd October, 1936.