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THE LEGISLATIVE ASSEMBLY DEBATES

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(23rd August to 1st September, 1937)

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Legislative Assembly.

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MR. MATHURADAS VISSANJI, M.L.A.

CONTENTS.

VOLUME IV.—23rd August to 1st September, 1937.

	PAGES.		PAGES.
MONDAY, 23RD AUGUST, 1937,—		MONDAY 23RD AUGUST, 1937,—contd.	
Members Sworn	1—3	Panel of Chairmen	89
Starred Questions and Answers	3—40	Governor General's assent to Bills	89—90
Short Notice Questions and Answers	40—50	Agreement between the Reserve Bank of India and the Governments of Madras, the Punjab, Sind, Assam and the United Provinces	90—109
Statements laid on the Table	50—85	Forms of forced labour in the provinces	106—61
Motions for Adjournment re—		Net earnings of certain newly-constructed railway lines	161—66
Banning of the Kothapatam School of Economics and Political Science—Disallowed by the Governor General	85	Presentation of the Report of the Public Accounts Committee for 1935-1936	167—365
Feelings of Indian Muslims on the Palestine question—Disallowed by the Governor General	85—86	The Indian Companies (Amendment) Bill—Introduced	365
Non-export of Indian sugar abroad except to Burma—Not moved	86	The Rules and Regulations Continuance Bill—Introduced	366
Government policy in respect of the tribes on the North-West Frontier of India—Disallowed by the Governor General	86	The Federal Court Bill—Introduced	366
Misrepresentation of India's feelings and aspirations at the Imperial Conference—Disallowed by the Governor General	88	The Petroleum (Berar Extension) Bill—Introduced	366
Protection of the interests of Indians in South Africa—Not moved	86—89	The Indian Railways (Amendment) Bill—Introduced	366
Indian interests at Zanzibar—Negotiated	89, 385—408	The Import of Drugs Bill—Introduced	367
		The Workmen's Compensation (Amendment) Bill—Introduced	367

	PAGES.
MONDAY, 23RD AUGUST, 1937,—concl'd.	
The Indian Naturalization (Amendment) Bill—Introduced	367
The Manoeuvres Field Firing and Artillery Practice Bill—Appointment of certain Members to the Select Committee	367—68
Election of a Member to the Indian Research Fund Association	368
Resolution <i>re</i> Amendments to the Indian Legislative Rules—Discussion not concluded	368—85
TUESDAY, 24TH AUGUST, 1937—	
Member Sworn	409
Starred Questions and Answers	409—42
Unstarred Questions and Answers	442—45
Motions for Adjournment <i>re—</i>	
Perpetuation of the Ottawa Agreement—Not moved	445
Reorganisation of the Imperial Secretariat—Disallowed by the Governor General	445—46
Train disaster near Dinapore Station—Not moved	446
Amendment of Indian Legislative Assembly Rules—Adopted	446, 475—92
Resolution <i>re</i> Amendments to the Indian Legislative Rules—Adopted as amended	446—53
The Trade Disputes (Amendment) Bill—Discussion on the motion to refer to Select Committee not concluded	453—75
WEDNESDAY, 25TH AUGUST 1937,—	
Starred Questions and Answers	493—524

	PAGES.
WEDNESDAY, 25TH AUGUST, 1937,—concl'd.	
Unstarred Questions and Answers	524—28
Motions for Adjournment <i>re—</i>	
Creation of the post of Deputy Secretary in the Legislative Assembly Department—Withdrawn	528
Indo-British Trade Negotiations—Withdrawn	528
Extravagance in military operations—Disallowed by the Governor General	528
Recommendations of the Wedgwood Committee's Report—Not moved	528—29
Mr. Mudie's enquiry report into the Bengal Nagpur Railway affairs—Not moved	529
Frontier policy of Government—Disallowed by the Governor General	529
Position of Indians in Zanzibar—Barred	529
Hunger-strike of political prisoners in the Andamans—Adopted	529—30, 559—77.
The Insurance Bill—Presentation of the Report of the Select Committee	530
Statement <i>re</i> new procedure regarding questions	530—31
The Trade Disputes (Amendment) Bill—Referred to Select Committee	531—42
The Indian Companies (Amendment) Bill—Referred to Select Committee	542—44
The Petroleum (Berar Extension) Bill—Passed	544

	PAGES.
WEDNESDAY, 25TH AUGUST, 1937,—concl'd.	
The Rules and Regulations Continuance Bill—Passed	545—58
The Federal Court Bill—Discussion on the motion to consider not concluded	558
THURSDAY, 26TH AUGUST, 1937,—	
Starred Questions and Answers	579—604
Unstarred Questions and Answers	604—08
Motions for Adjournment <i>re—</i>	
Hunger-strike of the Andamans political prisoners—Barred	608
Change in the prospectus of the Training Ship "Dufferin"—Ruled out of order	608—11
Inadequate representation of Mussalmans in certain Provincial Cabinets—Disallowed by the Governor General	611
Mr. Mudie's enquiry report into the Bengal Nagpur Railway affairs—Ruled out of order	611—16
Operations on the North-West Frontier—Disallowed by the Governor General	616—17
Paucity of Muslim Ministers in certain Provinces—Disallowed by the Governor General	616—17
Report of the Royal Commission on Palestine—Disallowed by the Governor General	617
The Federal Court Bill—Passed	617—28
The Indian Naturalization (Amendment) Bill—Circulated	628—43

	PAGES.
FRIDAY, 27TH AUGUST, 1937,—	
Starred Questions and Answers	645—76
Unstarred Questions and Answers	676—79
Statements laid on the Table	679—94
Election of a Member to the Governing Body of the Indian Research Fund Association	694
The Indian Securities (Amendment) Bill—Introduced	694
The Dangerous Drugs (Amendment) Bill—Introduced	694—95
The Indian Patents and Designs (Amendment) Bill—Introduced	695
The Indian Mines (Amendment) Bill—Introduced	695
Motion <i>re</i> Report of the Indian Railway Enquiry Committee	695—738
MONDAY, 30TH AUGUST, 1937,—	
Member Sworn	739
Starred Questions and Answers	739—69
Unstarred Questions and Answers	769—71
Motions for Adjournment <i>re—</i>	
Military aid to Burma—Disallowed by the Governor General	771—72
Andamans hunger-strike—Not moved	772
Committee on Petitions	772
Agreements between the Reserve Bank of India and the Governments of Bihar, Orissa and the Central Provinces and Berar, and the Supplemental Agreement with the Imperial Bank of India	772—85

	PAGES.		PAGES.
MONDAY, 30TH AUGUST, 1937,—<i>contd.</i>		WEDNESDAY, 1ST SEPTEMBER, 1937,—<i>contd.</i>	
The Insurance Bill—Discussion on the motion to consider not concluded	785—827	Starred Questions and Answers	911—41
TUESDAY, 31ST AUGUST, 1937,—		Statements laid on the Table	941—42
Member Sworn	829	Statement re treatment of questions addressed to wrong Departments	942—44
Starred Questions and Answers	829—61	Motion for Adjournment re Negotiations between the Government of India and the Princes in respect of Federation—Disallowed by the Governor General	944, 960
Postponed Question and Answer	862	The Moslem Personal Law (<i>Shariat</i>) Application Bill—Presentation of the Report of the Select Committee	944
Unstarred Questions and Answers	862—64	The Insurance Bill—Discussion on the motion to consider not concluded	944—60, 961—81.
Short Notice Questions and Answers	865—66		
The Insurance Bill—Discussion on the motion to consider not concluded	867—910		
WEDNESDAY, 1ST SEPTEMBER, 1937,—			
Member Sworn	911		

LEGISLATIVE ASSEMBLY.

Tuesday, 24th August, 1937.

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

MEMBER SWORN.

Mr. John Charles Lang, M.L.A. (Bengal : European).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

FIGHTING WITH THE TRIBES IN THE NORTH-WEST FRONTIER.

40. ***Mr. T. S. Avinashilingam Chettiar** : Will the Defence Secretary state :

- (a) the money spent in the North-West Frontier in fighting the tribes in this year :
- (b) the casualties suffered ; and
- (c) the effect of these operations and the latest position in the Frontier ?

Mr. C. M. G. Ogilvie : (a) This part of the question should have been addressed to the Honourable the Finance Member. I understand, he will reply a similar question tomorrow.

(b) From the 17th February, 1937, when the present operations commenced, upto the 17th August, 1937, Government forces suffered 588 casualties, of which 169 were killed and 419 were wounded.

(c) As a result of the operations, the Tori Khel Wazirs, whose hostility was the cause of these operations, have sued for peace. Hostile forces of tribesmen, who in May of this year numbered several thousands, have now diminished to small bands of almost negligible proportions. At the moment no active operations are in progress and the troops are largely employed in the construction of new roads required to improve the communications in the area.

Mr. T. S. Avinashilingam Chettiar : May I know whether there were any fresh causes of action for beginning these hostilities against the Frontier tribes ?

Mr. C. M. G. Ogilvie : Yes.

Mr. T. S. Avinashilingam Chettiar : May I know what they were ?

Mr. C. M. G. Ogilvie : I shall require notice of that. I can then answer the question in full.

Mr. Abdul Qaiyum : Will the Honourable Member please let me know what is the percentage of the British and the Indians in the casualties suffered ?

Mr. C. M. G. Ogilvie : I shall require notice of that. I cannot tell the Honourable Member off-hand.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member wants some figures. The Member in charge has not got them with him. Surely he ought to have notice.

Mr. F. E. James : I understand that a White Paper on the subject of the Frontier operations was made available to the Members of the House of Commons. Will a similar paper, White or otherwise, bringing the situation up-to-date be supplied to the Members of this House ?

Mr. C. M. G. Ogilvie : The matter will be considered.

Mr. Abdul Qaiyum : Will the Honourable Member let me know the number of British killed and wounded if he cannot give me the ratio ?

Mr. C. M. G. Ogilvie : I am afraid I cannot carry all these figures in my head. But speaking subject to possible correction hereafter, I think I can remember the number of British officers killed. It is either 15 or 17. The number of Indian officers killed, I think, was seven but I am not sure about it. As regards other ranks, I cannot say off-hand except that Indian other ranks lost more heavily than the British.

Pandit Lakshmi Kanta Maitra : With regard to part (a), may I inquire if it is a fact that these military operations in the Frontier have been causing the Indian tax-payer one lakh of rupees a day ?

Mr. C. M. G. Ogilvie : I think that is approximately correct.

Maulvi Abdur Rasheed Chaudhury : May I inquire who is the leader of the tribesmen against whom this expedition has been sent ?

Mr. C. M. G. Ogilvie : I am not sure whether the Honourable Member means the leader in the field or the inspirer of the rebellion. The leaders in the field, I should say, were many and I can probably obtain the names of some of them. The inspirer of the rebellion was the Faqir of Ipi.

Pandit Lakshmi Kanta Maitra : May I know if, before starting these military operations, any opportunity was given to these leaders to come to some sort of settlement with the Government ?

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member wants any further information, he should give notice. The questions put down on the paper have been answered as clearly as possible, but if further information is wanted, notice of such questions must be given.

Mr. Lalchand Navalrai : In view of the statement made in the pamphlet which has been circulated to us on the defence, will the Honourable Member be pleased to say if the negotiations that were started according to that pamphlet have ended in any conclusion ?

Mr. C. M. G. Ogilvie : I can tell the Honourable Member nothing at present.

Mr. T. S. Avinashilingam Chettiar : In view of the Government's answer to part (c), may I inquire whether the object of the fight has been achieved ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a very big question.

Mr. C. M. G. Ogilvie : At the present stage I cannot add to the answer I have already given to that question.

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

RETRENCHMENT IN THE HOME DEPARTMENT.

41. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Home Member state :

- (a) whether, in view of law and order being transferred to the provinces under the new constitution, except for the centrally administered areas, the work of the Home Department has lessened ;
- (b) if so, whether the staff of the Home Department has been retrenched ; and
- (c) if so, what is the amount of retrenchment in the personnel and in expenditure ?

Mr. J. A. Thorne : (a) That is by no means our experience.

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

Sardar Sant Singh : May I inquire, Sir, in what way the work of the Home Department has been increased since the inauguration of autonomy in the provinces ?

Mr. J. A. Thorne : I may assure the Honourable Member that the work of the Home Department has been increased in various directions, but I cannot, in the course of an answer to a supplementary question, give much detail.

Mr. T. S. Avinashilingam Chettiar : Is it not a fact that under the scheme of the provincial autonomy law and order has been completely transferred to the provinces ?

Mr. President (The Honourable Sir Abdur Rahim) : That is what the Honourable Member has said.

MASONIC LODGES IN THE CENTRALLY ADMINISTERED AREAS.

42. ***Mr. Sri Prakasa :** Will the Honourable the Home Member state :

- (a) if it is a fact that institutions called Masonic Lodges exist in the centrally administered areas ;

(b) if he is aware that these are secret institutions and indulge in elaborate ceremonial and ritual of a mysterious nature ; and

(c) whether Government have made sure about the *bonâ fides* of such institutions, and if necessary, do they propose to take action against them under the Criminal Law Amendment Act with a view to their suppression and abolition ?

Mr. J. A. Thorne : (a) I believe so.

(b) I have no knowledge of the tenets and rites of these institutions.

(c) The Government have had no occasion to consider the desirability of the action suggested.

Mr. Lalchand Navalrai : May I ask, Sir, if it is possible for the Honourable Member to know about their secrets when they pledge that they will not give the secrets ?

Mr. J. A. Thorne : That is an argument.

Sardar Sant Singh : May I know if this institution enjoys any Government patronage ?

Mr. J. A. Thorne : That is surely a separate question ; but I am not aware that it does.

Seth Govind Das : Do the Government not think it advisable that it is necessary to employ C. I. D., to find out the secrets of this institution ?

(No answer.)

Mr. Sri Prakasa : In view of the fact that these are secret institutions and also in view of the fact that there is a suspicion in the minds of many of us that they plot against the country, will the Government get proper information about their work by asking the C. I. D. to get into their meetings and find out exactly what they do ? So far as I know, they are very dangerous institutions.

Mr. President (The Honourable Sir Abdur Rahim) : Next question. The Honourable Member must remember that there are a number of questions which have to be answered, and, if these are not answered in the House, there will be no verbal answers at all. It is not fair to other Honourable Members that their questions should be shut out.

Mr. Sri Prakasa : These are secret institutions and I only want to know whether some steps will be taken against them.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member could move a Resolution to that effect.

SUPPLY TO THE POLICE OF FULL PARTICULARS ABOUT GUESTS STAYING IN INDIAN HOTELS IN DELHI.

43. ***Mr. Sri Prakasa :** (a) Will the Honourable the Home Member state if it is a fact that Indian hotels in Delhi are required to supply to the police full particulars about their guests which they seek to obtain from the guests themselves ?

(b) If so, under what law is this done ; and under what law is the guest bound to give the information required by the hotel ?

(c) Is it a fact that visitors to hotels run on the European style, like Maiden's or Imperial, are exempt from this ; or is the law equally applicable to and enforced on them ?

Mr. J. A. Thorne : The information is being obtained from the Chief Commissioner, Delhi, and will be laid on the table in due course.

Mr. S. Satyamurti : When was the question received, when was the Chief Commissioner addressed, and why is there so much delay in getting this information ?

Mr. J. A. Thorne : The question was received only a few days ago and as soon as it was received an express letter was sent to the Chief Commissioner, Delhi.

Mr. Sri Prakasa : I sent the question to the Assembly Office on 15th July. In case the Chief Commissioner says this is not a fact, will the Honourable Member take it from me that it is a fact ?

Mr. S. Satyamurti : If the Government are not prompt in getting the answers, then no supplementary questions can be put. It looks, as if they want to avoid supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim) : In one or two cases, I have seen that Government have found it very difficult to collect information, but I think in most of these cases, the Government are in a position to give the answers. Whether the Rule ought to be amended or not to suit the convenience of the Government, that is not for me to say. The Government themselves will take due notice of the matter if they find that it is not possible to collect the information in every case within the period of notice allowed for a question.

Mr. S. Satyamurti : The first fruit of the new Rules !

Mr. Sri Prakasa : If the Chief Commissioner says that the facts are as stated in the question, will Government ask him to stop the practice ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must wait till the answers are got from the Chief Commissioner.

PUBLICATION GIVING THE GOVERNMENT'S APPRECIATION OF PUBLIC EVENTS IN INDIA.

44. ***Mr. Sri Prakasa :** Will the Honourable the Home Member state :

- (a) if it is a fact that the annual publication giving the Government's appreciation of public events in the country of every twelve months ending two years earlier has been stopped ;
- (b) what was the last year about which such annual review was prepared and when was the same published ; and
- (c) if it is a fact that the earlier Government of India Act made such publication incumbent on Government and that the Act ceased to have effect in the provinces only on March 31, 1937,

and is still in force so far as the Central Government is concerned, and whether Government propose to continue to publish such reviews till the point of time up to which the Act was enforced, either wholly or in part ?

Mr. J. A. Thorne : (a) and (c). Yes. The report was submitted to Parliament by the Secretary of State for India under the provisions of sub-section (3) of section 26 of the old Government of India Act. Since 1st April, 1937, there is no obligation on the Secretary of State to submit such a report to Parliament.

(b) The last report, for the year 1934-35, will it is hoped be published in India shortly.

Mr. Sri Prakasa : Is it not a fact that the old Act continues in force in the Centrally Administered Areas and would not the Government consider the desirability of giving a certificate to themselves every year so far as the Centrally Administered Areas are concerned ?

Mr. J. A. Thorne : I think I am right in saying that the administration reports of the Centrally Administered Areas are published.

Mr. President (The Honourable Sir Abdur Rahim) : Before **Mr. Badri Dutt Pande** puts his question No. 45, I may inform him that he has more than five questions in his name, and only five questions will be orally answered.

Mr. Badri Dutt Pande : In that case, I will put question No. 46.

Mr. President (The Honourable Sir Abdur Rahim) : They have to be put in their order.

SUPERSESSION OF MESSRS. BAKHLE AND HANDS AND IMPORTING OF A CERTAIN OFFICER IN THE HOME DEPARTMENT.

45. ***Mr. Badri Dutt Pande :** (a) Will the Honourable the Home Member state if Messrs. Bakhle and Hands were superseded, and why a certain officer was imported into the Home Department from the Railway Department ? Has he been placed in charge of the Federal Railway Bill ?

(b) Is it a fact that the Reforms and Political Departments are under special officers and establishments ?

(c) With the advent of Provincial Autonomy, have the powers of the Central Government under section 33 come to an end ?

(d) With the devolutions of work, *vide* (b) and (c), what is the necessity of having still a Secretary, a Joint Secretary, a Deputy Secretary and two Under Secretaries in the Home Department ?

Mr. J. A. Thorne : (a) No officer was superseded. The officer appointed to officiate as Joint Secretary was considerably senior to either of the officers mentioned. The answer to the last part of the question is, I understand. No.

(b) and (d). The Reforms Office has been a separate office for many years. There has been no devolution of work from the Home Department to the Political Department. I regret to say that the officers of the Home Department still find more than enough work to do.

(c) Section 33 of the old Government of India Act is no longer in force.

Pandit Lakshmi Kanta Maitra : Is it not a fact that Mr. Hands has been shoved out of the Home Department ?

Mr. J. A. Thorne : That is news to me.

Mr. S. Satyamurti : Is there any examination, by any outside authority, as to the adequacy or otherwise of the staff of the Home Department, or are they their own judges ?

Mr. J. A. Thorne : I think they themselves know where the shoe pinches.

Mr. Sri Prakasa : The Honourable Member stated that the old Act is no longer in force. May I know how we are functioning in this House then ?

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

INSULT TO AN INDIAN I. C. S. OFFICER IN THE CENTRAL PROVINCES.

46. ***Mr. Badri Dutt Pande** : Does the Honourable the Home Member know if two Europeans insulted an Indian I. C. S. officer in the Central Provinces recently by not allowing him to enter a first class railway compartment, for which the I. C. S. officer held a ticket ? If so, has any action been taken by Government to bring these Europeans to book ?

Mr. J. A. Thorne : I do not know why the question has been addressed to the Home Department. However, I have ascertained that two passengers refused to allow another gentleman entry into the compartment which they occupied, alleging that it was reserved. The question of proceeding against the two passengers under the Indian Railways Act is, I understand, under investigation by the local police authorities.

Seth Govind Das : When will they finish this investigation ?

Mr. J. A. Thorne : The Government of India are not making any investigations.

Seth Govind Das : Are the Government aware that the whole of the Indian side of the Indian Civil Service in the Central Provinces are keenly watching what the Railway Department is going to do and under those circumstances, will the Government of India instruct the Railway Department to expedite this enquiry and publish the results as early as possible.

Mr. J. A. Thorne : The Home Department has no authority to instruct the Railway Department.

Sardar Sant Singh : Will the Honourable Member inform this House about the results of the enquiry ?

Mr. J. A. Thorne : That should be addressed to the representative of the Railway Department.

Mr. Lalchand Navalrai : The Honourable Member simply said 'two passengers'. Were they Europeans ?

Mr. J. A. Thorne : I believe they were.

Seth Govind Das : Were these two gentlemen Members of the Indian Civil Service ?

Mr. J. A. Thorne : No, Sir.

Mr. S. Satyamurti : When did this incident take place, and what is the reason for this prolonged delay ?

Mr. J. A. Thorne : I have answered this question as a matter of courtesy to the House because it was addressed to the Home Department, but the Home Department is not really concerned with this and if any further information is required, the Railway Department should be addressed.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot go on giving further information. The question ought to have been addressed to the Railway Department. Next question.

PRISONERS CONVICTED OR DETAINED FOR POLITICAL OFFENCES UNDER THE CHARGE OF THE GOVERNMENT OF INDIA.

47. ***Mr. Badri Dutt Pande :** Will the Honourable the Home Member state as to how many prisoners who have been convicted or detained for political offences still remain under the direct charge of the Government of India ?

Mr. J. A. Thorne : Apart from the 321 Bengal detenues confined at Deoli, there are three persons confined as State Prisoners under Regulation III of 1818.

As regards convicts, the number of terrorist prisoners in the Cellular Jail at Port Blair is 283. I have not the information for other Chief Commissioners' provinces but am collecting such information as it will be possible to obtain.

Pandit Lakshmi Kanta Maitra : Where are these three State Prisoners kept ?

Mr. J. A. Thorne : Two of them are in the Naini Central Jail and one in the Bareilly Jail.

Mr. Badri Dutt Pande : Will these State Prisoners be released ? Are their cases being reviewed ?

Mr. J. A. Thorne : They are periodically under examination.

Mr. Mohan Lal Saksena : When were they reviewed last and by whom and with what result ?

Mr. J. A. Thorne : I want notice.

MARTIAL LAW PRISONERS OF THE GARHWALI REGIMENT.

48. ***Mr. Badri Dutt Pande :** Will the Defence Secretary state if there are still in prison any of the Martial Law prisoners of the Garhwali Regiment who refused to shoot their unarmed countrymen in Peshawar ? If so, how many ? Where are they located ?

Mr. C. M. G. Ogilvie : Seventeen Indian other ranks of the 2nd Battalion, 18th Royal Garhwal Rifles, were convicted by General Court

Martial of Mutiny in June, 1930. They had refused to proceed to Peshawar City when ordered to do so. Two still remain in prison, and are located in the Central Jail, Bareilly.

Mr. Mohan Lal Saksena : When is their release due ?

Mr. C. M. G. Ogilvie : The cases are reviewed annually by His Excellency the Commander-in-Chief, and as far as I remember, the next date for review is October. Whether they will be released or not then I cannot say.

Mr. Muhammad Azhar Ali : Is there any regular rule or regulation to judge the time that they have to remain ?

Mr. C. M. G. Ogilvie : Yes, the amount of sentence to which they were ordered, one to a sentence of transportation for life and one to 15 years. Various others were sentenced to lesser terms.

Pandit Lakshmi Kanta Maitra : What is the period of remission they are entitled to ?

Mr. C. M. G. Ogilvie : I imagine that they earn remission in the ordinary way under the ordinary jail rules.

Mr. Badri Dutt Pande : What class are they given at present ?

Mr. C. M. G. Ogilvie : I am unable to say that.

Mr. Badri Dutt Pande : Will the Honourable Member please inquire ?

Mr. C. M. G. Ogilvie : Yes, certainly.

Mr. Badri Dutt Pande : Can they be interviewed ?

Mr. C. M. G. Ogilvie : I presume the ordinary rules of interview apply to them.

GRANT OF A FIFTH MEAL TO THE BRITISH ARMY IN INDIA.

49. ***Mr. Badri Dutt Pande :** Will the Defence Secretary inform the House :

(a) as to why a fifth meal has been granted to the British Army in India ; and

(b) what is the extra cost involved ?

Mr. C. M. G. Ogilvie : (a) The Honourable Member is not exactly correct in the assumption underlying this part of the question. British soldiers receive part of their rations in kind and part in the form of a daily money grant. This daily allowance has now been raised from 3½ annas to 4½ annas a day, and the result is that the soldier will in future have to pay one anna a day less from his own pocket to supplement the ration he receives from Government.

(b) Rs. 12.4 lakhs per annum.

Seth Govind Das : What was the reason for this increment in the daily allowance ?

Mr. C. M. G. Ogilvie : It was considered that what they were getting was insufficient.

Seth Govind Das : When was it increased ?

Mr. C. M. G. Ogilvie : Quite recently ; I cannot give the exact date.

Seth Govind Das : Are Government aware that the prices of food-stuffs have gone down and there was no need to increase this daily allowance ?

Mr. C. M. G. Ogilvie : As far as I know, the prices of the foodstuffs which the British soldier likes to eat are not going down.

Sardar Sant Singh : Was any reduction made in the allowance when the rates went down between 1930 and 1934 ?

Mr. C. M. G. Ogilvie : As far as I know, no.

Pandit Lakshmi Kanta Maitra : Was this initiative taken by the Defence Department or on the representation of the soldiers themselves or on the result of any inquiry or recommendation from any other body ?

Mr. C. M. G. Ogilvie : The improvement was given as part of a general scheme for improving the lot of the British soldier in India and in order not to discourage recruitment.

Sardar Sant Singh : May I know if during the days when the rates were very high, *e.g.*, in 1924-25, the allowances which they enjoyed before this increment were the same ?

Mr. C. M. G. Ogilvie : I think, exactly the same.

†50*.

MILITARY POSITION ON THE NORTH-WEST FRONTIER.

51. ***Mr. S. Satyamurti :** Will the Secretary for Defence Department be pleased to state :

- (a) the latest military position on the North-West Frontier, as between the Government and the Frontier Tribes ;
- (b) the number of weeks that have elapsed since the operations began, and the expenditure in men and money on the operations up to date ;
- (c) whether Government have proposed to the tribes, or intend proposing to the tribes any terms of honourable and peaceful settlement without affecting their freedom and independence ; and
- (d) whether they propose to revise their policy by taking the leaders of the people of the Frontier Province into confidence, and open negotiations with the Frontier tribes through them, and if not, why not ?

Mr. C. M. G. Ogilvie : (a) I refer the Honourable Member to the reply I have just given to part (c) of starred question No. 40.

†For question No. 50 and reply thereto, see page 436 of these debates.

(b) I refer the Honourable Member to the reply I have just given to parts (a) and (b) of the same question.

(c) and (d). The terms to be entered into with the tribes and the policy to be pursued in regard to them are being considered by Government and it will not be in the public interest to give information about these matters at present.

Mr. S. Satyamurti : With reference to clause (a), may I know when these Tori Khel tribes sued for peace, and what the present state of negotiations between Government and these tribes is ?

Mr. C. M. G. Ogilvie : The position at present is that the Tori Khel tribe, which started hostilities, have sued for peace, and hostilities, except for isolated encounter with small gangs of irreconcilables, have now ceased. The tribes are now awaiting the announcement of peace terms.

Mr. S. Satyamurti : Have Government made up their mind about the peace terms to be accepted or offered to this particular tribe ?

Mr. C. M. G. Ogilvie : I believe so.

Mr. S. Satyamurti : Have they been sent to them ?

Mr. C. M. G. Ogilvie : No, Sir. They have not yet been announced.

Mr. S. Satyamurti : Apart from this particular tribe, what is the number of tribesmen who are still at war with Government on the Frontier ?

Mr. C. M. G. Ogilvie : I am afraid it is entirely impossible to say, though the number at present is not very great.

Mr. Badri Dutt Pande : Where is the Faqir of Ipi ?

Mr. C. M. G. Ogilvie : I wish the Honourable Member could tell me.

Mr. S. Satyamurti : Sir, I want to submit to you a point of order. My Honourable friend said,—if I heard him aright,—that the actual expenditure on these operations is a question to be put to the Honourable the Finance Member. I am somewhat puzzled by that answer, because I am under the impression that, while the Finance Department is undoubtedly responsible for the finances of this country, the spending departments are responsible for information about expenditure, to be supplied to this House. That has been the practice, and I should like to have your ruling.

The Honourable Sir James Grigg : Sir, I would not like to say anything definite as this question has been brought to my notice for the first time today, and it seems to be one on which there is a misunderstanding between me and some of my advisers. Off-hand I am inclined to agree with my Honourable friend opposite, but I will be glad if he will allow the matter to remain for the time being until it can be cleared up.

Mr. S. Satyamurti : Then will this part of the question stand over ?

Mr. President (The Honourable Sir Abdur Rahim) : Very well.

Mr. S. Satyamurti : With regard to clause (c), I know the phrase "public interest" comes in every time I put the question, but may I ask my Honourable friend whether Government have considered offering terms to these tribes in the terms of this question, that is to say, in terms of honourable and peaceful settlement, without affecting their freedom and independence ?

Mr. C. M. G. Ogilvie : I am afraid I cannot add to the answer I have already given.

Mr. S. Satyamurti : With regard to the answer to clause (d), are Government considering any revision of their policy in the direction suggested, that is to say, taking the leaders of the people of the Frontier Province into confidence, including Khan Abdul Ghaffar Khan, the ban on whom has been removed, into their confidence ?

Mr. C. M. G. Ogilvie : I must repeat that I am unable to add anything to what I have said on this subject.

RECRUITMENT TO THE POST OF FINANCIAL ADVISER TO THE DEFENCE DEPARTMENT.

52. **Mr. S. Satyamurti** : Will the Defence Secretary be pleased to state :

(a) whether it has definitely been decided that the post of Financial Adviser to the Defence Department of the Government of India should be recruited by importing an expert from the War Office in London ; and

(b) if so, the reasons therefor ?

The Honourable Sir James Grigg : With your permission, Sir, I shall reply to this question.

(a) and (b). The post of Financial Adviser, Military Finance, continues to be borne on the cadre of the Indian Civil Service, but as no officer of that Service with the requisite qualifications is at present available it has been decided to appoint an officer belonging to the finance branch of the War Office to fill the vacancy. This does not imply a general decision regarding future appointments.

Mr. S. Satyamurti : For how long is this particular appointment to be made ?

The Honourable Sir James Grigg : Speaking off hand and subject to correction, I think it is for four years.

Mr. S. Satyamurti : May I know if the Honourable Member is aware that the control of Treasury over the War Office in England is less strict than the control of the Government of India over the Military Department here, and whether, in view of that, he has considered the desirability of not introducing new elements of lax control over the defence expenditure in this country ?

The Honourable Sir James Grigg : I did not quite catch the opening part of his question, but I thought he made the assertion that or rather he asked me whether the control of the Treasury over the War Office is less tight than the control here. That is a very difficult question to answer ; there are arguments on both sides, but I do consider that in the

present circumstances the control here is not likely to be weakened by the appointment of this particular officer.

Mr. T. S. Avinashilingam Chettiar : What is his pay ?

The Honourable Sir James Grigg : The ordinary pay of the post.

Mr. M. Ananthasayanam Ayyangar : Are there no junior officers in the department to take the place of the seniors when they retire ?

The Honourable Sir James Grigg : Certainly, we are training up junior officers, but it so happens that at the moment there is no officer available with the requisite qualifications.

Mr. M. Ananthasayanam Ayyangar : Has the junior officer also gone away along with the senior officer in this case ?

Mr. President (The Honourable Sir Abdur Rahim) : You cannot argue in this way.

Mr. M. Ananthasayanam Ayyangar : What has happened to the junior officer in this case ? (After a pause.) I want an answer, Sir.

(No answer.)

Mr. M. Ananthasayanam Ayyangar : I want an answer to my question, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not in a position to answer. Honourable Members know that as it happens fairly often in Parliament when a Government Member has already replied to a question giving the necessary information in his reply to the original question and thereafter keeps silent, it means that he is not in a position to give any more information.

Mr. S. Satyamurti : Let him say he cannot answer. He cannot remain silent.

Mr. President (The Honourable Sir Abdur Rahim) : That is the parliamentary practice.

Mr. S. Satyamurti : I should be glad, if the parliamentary practice were followed here in all matters.

INSULT TO NATIONAL FLAG BY BRITISH SOLDIERS IN SIMLA AND POONA.

53. ***Mr. S. Satyamurti :** Will the Defence Secretary be pleased to state :

- (a) whether his attention has been drawn to two recent incidents, one in Simla and one in Poona, in which British soldiers removed, or otherwise insulted the national flag ; and
- (b) whether Government have enquired, or propose to enquire into the matter, and take suitable steps to see that the Indian national flag is respected, and if not, why not ?

Mr. C. M. G. Ogilvie : (a) and (b). I presume that the reference is to the flag of the Congress Party. I have no reason to accept the assumption that British soldiers were involved in the incidents mentioned.

As regards Simla, I understand that the complaint has been filed by the local police as "untraced".

As regards Poona, I have called for information and will lay the result on the table as soon as received.

Mr. S. Satyamurti : What is the answer to part (b) of the question ?

Mr. C. M. G. Ogilvie : As regards Simla, I understand that the complaint has been filed by the local police as "untraced".

As regards Poona, I have called for information and will lay the result on the table as soon as received.

Mr. S. Satyamurti : I am asking, Sir, with regard to the second part of (b)—whether Government have inquired, or propose to inquire into the matter, and take suitable steps to see that the Indian National flag is respected.

Mr. C. M. G. Ogilvie : It does not arise. As far as I am aware, no British soldier, as far as I am aware, has been involved in any incident in which the flag of the Congress party was disrespected.

Mr. S. Satyamurti : Has any inquiry been made, and is my Honourable friend's statement based on the results of that inquiry ?

Mr. C. M. G. Ogilvie : No inquiry has been made by the Government except to find out from the local authorities what had happened in the Simla case. The answer is, as I have stated, that it is "untraced". As far as we know, no British soldier was concerned in it.

Pandit Lakshmi Kanta Maitra : Was any Indian soldier concerned in it ?

Mr. C. M. G. Ogilvie : I have no information.

54. ***Mr. Sham Lal :** Will the Defence Secretary be pleased to state :

- (a) whether Government are aware that L. Chaman Lal, late organizer of the Lakshmi Insurance Company at Meerut, living at 19, Gunj Bazar, Meerut Cantonment, was taken ill on the 11th April, 1937 ;
- (b) whether he was removed to the quarantine station on the 13th April, 1937, because he was suspected of suffering from plague ;
- (c) whether Government are aware that no proper arrangements for treatment and diet were made ;
- (d) whether he was there in the quarantine station with his blind mother, and that even his wife was not allowed to go to the quarantine station to look after him ; and there were no other male-relations with Chaman Lal ;
- (e) whether it is a fact that he was removed to Rohtak on the 18th April, 1937, and died there on the 20th April ; and

- (f) whether Government are prepared to make enquiries as to whether proper arrangements for treatment and diet were made in his case ?

Mr. O. M. G. Ogilvie : The information has been called for from the local authorities concerned and will be laid on the table as soon as it is received.

TAKING AWAY OF THE RAILWAY ADMINISTRATION FROM THE CHARGE OF THE INDIAN MEMBER OF THE VICEROY'S EXECUTIVE COUNCIL.

55. ***Sir Muhammad Yakub :** (a) Will the Honourable the Home Member state the reasons and considerations which resulted in the Railway Administration in India being taken away from the charge of the Indian Member of the Viceroy's Executive Council ?

(b) Will the Honourable the Home Member state the reasons why the new portfolio was not given to the Indian Member, who was in charge of the Railways ?

Mr. J. A. Thorne : I do not quite understand why the question has been addressed to the Home Department. I understand, however, that the decision referred to by the Honourable Member was taken on grounds of administrative convenience and after full consideration of all the relevant circumstances.

Sir Muhammad Yakub : Is it not a fact that the income of the Railways increased every year when the Railways were in charge of an Indian Member ?

Mr. J. A. Thorne : Obviously I cannot answer that.

Sir Muhammad Yakub : May I take it then that because the Railways were showing an increase in their income when an Indian Member was in charge, he was taken away, although he was taking great pains to improve the finances of the Railways ?

Mr. J. A. Thorne : I fear I cannot add to the answer I have already given.

Pandit Lakshmi Kanta Maitra : Who has taken charge of that portfolio ?

Mr. J. A. Thorne : Same answer.

Mr. Lalchand Navarai : May I know which were those administrative conveniences for which the change was made ?

Mr. J. A. Thorne : I can only repeat that I have nothing to add to the answer already given.

Pandit Lakshmi Kanta Maitra : I wanted to know who has taken charge of that portfolio ?

Mr. President (The Honourable Sir Abdur Rahim) : He has already replied to it.

UNSATISFACTORY CONDITION OF THE ARMY IN INDIA.

56. ***Sir Muhammad Yakub :** (a) Has the Defence Secretary read the speech of General Sir Philip Chetwode, *ex-Commander-in-Chief* in India, delivered at the recent meeting of the Defence Conference in

London, in which he pointed out the unsatisfactory condition of the army in India and the great dangers to which this country was exposed in case of war ?

(b) Will the Defence Secretary give assurance to this House that the Defence Department has seriously taken in hand the work of improving the army in India, including the Navy and the Air Force ?

Mr. C. M. G. Ogilvie : (a) No. I would be grateful if the Honourable Member could let me know the date and name of the periodical in which the speech was published.

(b) I would refer the Honourable Member to the replies to starred questions Nos. 155 and 605 given in this House by my predecessor during the last Simla Session.

Sir Muhammad Yakub : Is the Honourable Member aware that much water has flown down the bridge since the last Session and that the political conditions in Europe and the Far East are very much disturbed, and therefore we want a fresh assurance from the Honourable Member in this Session.

Mr. C. M. G. Ogilvie : I think that the assurances given by my predecessor in the last Session cover the case even though, as my friend says, conditions may be worse than they were then.

Captain Sardar Sir Sher Muhammad Khan : May I know, Sir, in view of the war clouds in the horizon, is the Government trying to mechanise the army in India ?

Mr. C. M. G. Ogilvie : The Government is endeavouring to mechanise the army to the extent which finances on the one hand and the general needs of India on the other allow.

Maulvi Abdur Rasheed Chaudhury : Will the Army Secretary please assure us that our military strength is sufficient to repulse an attack either by Japan or by Soviet Russia ?

Mr. C. M. G. Ogilvie : The military strength of India is insufficient to repel an attack by any major power, but fortunately for her the Empire is with her.

Maulvi Abdur Rasheed Chaudhury : How is it then that with such a huge strength they could not subdue a few tribesmen in the Frontier in the course of a year ?

Mr. C. M. G. Ogilvie : I wonder if the Honourable Member has ever seen that part of the North-West Frontier in which the troops were operating.

Qazi Muhammad Ahmad Kazmi : Will double the present strength be sufficient to meet an attack from outside ?

Mr. C. M. G. Ogilvie : I am not prepared to answer that off-hand.

Mr. B. Das : Will the Honourable the Army Secretary ascertain from the Department of the Director of Public Information whether such a Reuter's message was published in the Indian press that Field Marshal Sir Philip Chetwode made such a statement in London ?

Mr. C. M. G. Ogilvie : I have heard that the statement was made, but though I have searched for it I have been unable to find it, and if, as I

have said to my Honourable friend, he would tell me where he did find it I would be grateful.

Sir Muhammad Yakub : The message was printed in the *Hindustan Times* and the Honourable Member could have referred the matter to the Department of the Director of Public Information of the Government of India for which the taxpayer pays huge sums every year ?

Mr. C. M. G. Ogilvie : I have done so.

NOMINATION OF MINOR CHILDREN AS INHERITORS BY GOVERNMENT SERVANTS SUBSCRIBING TO THE GENERAL PROVIDENT FUND.

57. ***Mr. Sham Lal :** Will the Honourable the Home Member be pleased to state :

- (a) whether it is a fact that Government servants subscribing to General Provident Funds are not authorised to nominate, in the event of their premature deaths, their minor children as inheritors of this money without nominating any one else as their guardians ;
- (b) whether Government are aware that these guardians realise the money from the Government on behalf of minors for the avowed purpose of spending it for them and the minors themselves are often left stranded in pecuniary difficulty thus defeating frequently the object of the Government as well as that of contributors to the General Provident Funds ;
- (c) if these accumulations are not often so big that many Government servants may have them transferred to the Official Trustees of different provinces or Administrators-General of Wills and Estates for distribution of these moneys amongst their children on their reaching the age of majority ;
- (d) if so, whether there is any objection to reserving a specified part of these accumulations of Government servants with the Government themselves for their minor children who may be paid off according to the declaration of the will of subscribers on their reaching the age of majority ; and
- (e) if not, whether any action is intended to be taken in the matter ?

The Honourable Sir James Grigg : (a) The reply is in the negative so far as the new General Provident Fund Rules are concerned. Under the old General Provident Fund Rules, if a subscriber nominated a minor, he was also required to nominate a person who would receive payment on behalf of the minor. It is, however, open to a subscriber to replace such a declaration by one which is in accordance with the new rules.

(b) No. Government have no reason to believe that the guardians whether nominated by the subscriber themselves or appointed by a Court of Law act in the manner suggested.

(c) The labour involved in the collection of information as to the size of individual accumulations in the fund would be wholly incommensurate with the value of the results and in any case I do not see that the mere fact that the amount standing at the credit of a subscriber had reached a certain

size would necessarily lead the subscriber to have it administered by the Official Trustee or the Administrator-General.

(d) and (e). Government are not convinced of the necessity of undertaking to do this work on behalf of the minor children of the subscribers.

158*.

RESENTMENT AMONGST MUSLIMS IN INDIA AGAINST THE RECOMMENDATIONS OF THE ROYAL COMMISSION ON PALESTINE.

59. *Sir Muhammad Yakub : (a) Is the Foreign Secretary aware of the intensity of the feelings of the Mussalmans of India against the proposals contained in the report of the Royal Commission on Palestine ?

(b) Does the Foreign Secretary propose to make a representation to the British Government on behalf of the Mussalmans of India to the effect that the proposal recommending the partition of the Holy Land, allotting the rich and productive tracts to the Jews, should not be given effect to, otherwise it would create extremely strong and deep resentment amongst the Mussalmans of India ?

Lieut.-Colonel A. E. B. Parsons : The subject matter of this question is one which is dealt with by the Home Department and....

Sir Muhammad Yakub : Under what rules ?

Lieut.-Colonel A. E. B. Parsons : Under the rules published in this House I believe. And they are, I understand, prepared to answer the question now.

Sir Muhammad Yakub : Will the Honourable the Home Member please answer the question ?

Mr. J. A. Thorne : The feelings of Indian Muslims in this matter have been and will be brought to the notice of His Majesty's Government.

Mr. S. Satyamurti : When was the feeling last brought to the notice of His Majesty's Government ?

Mr. J. A. Thorne : It has constantly been done in periodical reports and other communications.

Mr. S. Satyamurti : With regard to the recent debate in the House of Commons on this matter, when Mr. Winston Churchill's agreed amendment was carried turning down the recommendations of the Palestine Commission, was the opinion of the Muslims of India,—why, the Muslims are not the only persons concerned—of the feeling of Indians—I do not accept the view that it is a question only for Muslims in India—was the feeling of the people of this country communicated to His Majesty's Government ?

Mr. J. A. Thorne : Do you mean before the debate ?

Mr. S. Satyamurti : Yes.

†For question No. 58 and reply thereto, see page 436 of these debates.

Mr. J. A. Thorne : Yes. As I said, it has been constantly communicated.

Mr. S. Satyamurti : With reference to the matter now pending before the League Council as to the future of Palestine, in view of the recommendations of the Royal Commission, was the opinion of India communicated to the League Council ?

Mr. J. A. Thorne : I cannot say what was communicated to the League Council because there is not a direct channel between India and the League Council, but I should say certainly that that must have been so.

Mr. S. Satyamurti : Was anything communicated to the Secretary of State for India, for being communicated to the League Council, in respect of the feeling of this country on the proposed partition of Palestine ?

Mr. J. A. Thorne : I am not aware that recently there has been any specific demand for information from His Majesty's Government and therefore, I cannot say that any specific occasion has been availed of to communicate the feelings of Indian Muslims, but the fact remains that those feelings are constantly communicated.

Sir Muhammad Yakub : Have the Government of India received any reply to their representation made to the Secretary of State for India on this subject ?

Mr. J. A. Thorne : I have not said that any representations were made.

Sir Muhammad Yakub : You said that you have made them informed of the feelings of the Muslims of India. Have the Government of India received any response, any enquiry, any reply, or any further enquiry from the Secretary of State for India on this subject ?

Mr. J. A. Thorne : No.

Maulana Zafar Ali Khan : India being a member of the League of Nations and as she is represented by a certain gentleman or two gentlemen on the League, the proposal to partition Palestine must have been placed before the League. Was the view of the Indian Muslims ever put forward before the League by their representatives ?

Mr. J. A. Thorne : I am afraid I have not followed the question.

(At this stage both Maulana Zafar Ali Khan and Mr. Abdul Qaiyum stood in their seats).

Mr. President (The Honourable Sir Abdur Rahim).: Only one Honourable Member can put a question at a time. Mr. Abdul Qaiyum.

Mr. Abdul Qaiyum : Are the Government of India going to take up an attitude in consonance with the wishes of the Indian people when the matter comes up before the League ?

Mr. J. A. Thorne : I think that is hypothetical. I cannot say what the Government will do in certain circumstances.

An Honourable Member : Surely the Government must have made up their mind.

Maulana Zafar Ali Khan : Was India represented at the League or not, India being a member of the League ?

Mr. M. S. Aney : Will the Government.....

Mr. President (The Honourable Sir Abdur Rahim) : One question has been put and before it is answered another cannot be put.

Maulana Zafar Ali Khan : My question is whether India's views were represented at the League of Nations or not, India being a member of the League, on this matter.

Mr. J. A. Thorne : The main question contains no reference to the League of Nations and if the Honourable Member wants information of this kind I must ask for notice.

Sir Muhammad Yamin Khan : Who is responsible for not making representation of the Indian views in the League of Nations when India is a member of the League of Nations ?

Mr. President (The Honourable Sir Abdur Rahim) : There is no reference to the League of Nations in the question, and the Honourable Member is unable to answer questions relating to it.

RESTORATION OF MOSQUES IN THE POSSESSION OF GOVERNMENT TO MUSLIMS.

60. ***Maulana Zafar Ali Khan :** Mosques under the sacred law of Islam being Waqf property which is inalienable and cannot under any conceivable circumstances be transferred to any body for mundane purposes, will the Honourable the Home Member inform the House whether the Government proposes to restore such mosques as are in their possession to their rightful trustees, the Mussalmans, and if so, when ?

Mr. J. A. Thorne : The question presumably refers to mosques in the possession of the Central Government. If the Honourable Member has any particular mosque in mind I suggest that he should address a specific question about it to the Department concerned.

Maulana Zafar Ali Khan : The Department concerned is the Home Department ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can find that out for himself.

RESTRICTIONS AGAINST THE ENTRY INTO INDIA OF CERTAIN INDIANS.

61. ***Maulana Zafar Ali Khan :** (a) Will the Honourable the Home Member be pleased to state when and under what authority the following gentlemen were proscribed from entering India :

- (1) Maulana Muhammad Ubaidullah Sindhi ;
- (2) Maulana Mansur-ul-Ansari ;
- (3) Raja Mohindar Partap ;
- (4) Mr. Rash Behari Ghosh ;
- (5) Sardar Ajit Singh ?

(b) Will the Honourable the Home Member be pleased to state whether it is the intention of Government to remove the restrictions imposed upon their entry in India ?

Mr. J. A. Thorne : (a) and (b). In regard to the first named I would invite the attention of the Honourable Member to the reply given by Sir Henry Craik to Haji Abdoola Haroon's question No. 16 on the 26th January last. No application for facilities to return to India has been received from this man. Of the other persons mentioned only two have applied for and been refused such facilities at any time. One of these is Mahendra Pratap Singh whose case was dealt with very fully in the replies given in this House on the 6th April, 1935, to Pandit Paliwal's question No. 1599 and the supplementary questions thereon, to which I have nothing to add. The other is Rash Behari Bose who has become a Japanese subject.

RURAL RECONSTRUCTION AND ASSISTANCE TO CIVIL AUTHORITIES BY THE INDIAN ARMY.

62. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) Will the Defence Secretary please state what steps have so far been taken with reference to paragraph 7 of Part IV Army of "A Summary of Important Matters concerning the Defence Services in India, 1935-36" relating to rural reconstruction and assistance to the civil authorities by the Indian Army, and what results have been obtained ?

(b) Do officers and soldiers who retire or who go on leave report themselves to the civil authorities and offer their services for assistance in the work of rural reconstruction ?

(c) Have Government considered that officers and soldiers who are not on field or any other active duty should be placed at the disposal of civil authorities for assistance in the work of rural reconstruction in different provinces ?

(d) Have Provincial Governments been addressed by the Government of India on this subject and are they in possession of the full details of the scheme a summary of which appears in paragraph 7 of the summary referred to above ?

(e) If the reply to part (d) be in the negative, why has it not been done, and if it be in the affirmative, will the Defence Secretary furnish to the House a summary of the views of Provincial Governments on the subject ?

Mr. C. M. G. Ogilvie : (a) I would refer the Honourable Member to paragraph 43 of "A Summary of Important Matters concerning the Defence Services in India, 1936-37.", which has recently been issued to Honourable Members.

The subject now forms part of the educational curriculum for the Indian Army and Roman-Urdu editions of two Manuals have been issued on a wide scale.

(b) The endeavour of the Army is to train officers and soldiers so that on their retirement they may put into practice what they have learnt and be an example to others. There can be little doubt that if the civil authorities require the assistance of retired officers and men, it will be volunteered.

(c) It is neither feasible nor practicable for soldiers to be placed at the disposal of the civil authorities for this purpose as their whole time is required for training in their military duties.

(d) Yes.

(e) Does not arise.

Mr. Mohan Lal Saksena : Are the copies of the two manuals referred to in the Library ?

Mr. C. M. G. Ogilvie : I am not sure, but I can make them available.

INCREASE IN THE NUMBER OF CERTAIN CRIMES IN DELHI.

63. *Mr. M. Asaf Ali : (a) Has the attention of the Honourable the Home Member been drawn to the fact that for the last two years or so the number of crimes of violence, particularly stabbing and offences against property, including mischief to property, cheating and theft, has been on the increase in Delhi ?

(b) Is the Honourable Member aware that the increase referred to in part (a) is believed to be due to the influx of a large number of persons from outside, and the press has been suggesting the adoption of drastic measures for combing out suspects ?

(c) What steps, if any, do Government propose to afford the population of Delhi the protection which they demand ?

Mr. J. A. Thorne : (a) and (b). The figures for 1936 show a decrease in the types of crime referred to, except in respect of theft and serious mischief. But there is reason to believe that Delhi is frequented by bad characters from other provinces who are responsible for some of the crimes now committed.

(c) A proposal to extend the United Provinces Goondas Act, 1932, to Delhi is now under the consideration of the Government.

ATTENDING OF A PUBLIC ENTERTAINMENT BY THE SENIOR SUPERINTENDENT OF POLICE, DELHI.

64. *Mr. M. Asaf Ali : (a) Is the Honourable the Home Member aware :

(i) that on Sunday, the 25th July, 1937, the Senior Superintendent of Police, Delhi, accepted and attended a party arranged and given in his honour in a certain part of Delhi by certain persons in the name of the residents of that municipal ward ;

(ii) that a counter demonstration took place in the same ward and about the same time the same day, and certain persons attacked the said demonstrators with *lathis*, and a number of the latter received injuries, including a knife wound ; and

(iii) that allegations of indifference by the Police have been made at a number of public meetings held in different parts of the town, which have been reported in the press ?

(b) If the reply to parts (a) (ii) and (iii) be in the affirmative, have Government taken steps to ascertain the truth and the cause of the trouble,

and have they taken steps to deal with the instigators and perpetrators of the offences complained of ?

(c) If the reply to part (a) (i) be also in the affirmative, have Government called for an explanation from the Senior Superintendent of Police, Delhi, for accepting and attending a public entertainment held in his honour against Rule 3, in Appendix No. 2 of the Manual of Rules relating to Government Servants' Conduct ?

Mr. J. A. Thorne : (a) My information is as follows :

On the 24th July some Hindus of Delhi City invited Mr. Scott, the Senior Superintendent of Police, to a tea party. Certain persons belonging mainly to other parts of the city, who were for some reason or other hostile to the hosts, organised a meeting near the place at which the party was held and jeered at the hosts and their guests. The meeting was attacked and broken up by some of the spectators and few persons received minor injuries. Later in the day, some of the hosts were assaulted and molested in various ways. Attempts were made to make political capital out of this incident and at various meetings speakers made personal attacks on Mr. Scott and alleged that he had organised the interference with the original meeting.

(b) The facts are believed by Government to be as I have stated. Government are prepared to leave the Chief Commissioner to deal with the matter.

(c) The information we have received does not show that the party was a public entertainment : there is, therefore, no question of a breach of the Government Servants' Conduct Rules.

Mr. M. Ananthasayanam Ayyangar : What about the alleged indifference of the police ?

Mr. J. A. Thorne : I have given the House all the information I obtained in answer to the question put and I am afraid I cannot add to it.

Mr. Mohan Lal Saksena : What is a public entertainment as distinguished from a private entertainment ?

Mr. J. A. Thorne : I cannot undertake to define that.

Mr. M. Ananthasayanam Ayyangar : Has the Honourable Member any information as to what the police were doing when *lathi* charges were being made by other persons or on residents of Delhi who organised this entertainment ?

Mr. J. A. Thorne : I understand from the information as we have received it that the allegation is not admitted.

Mr. Bhulabhai J. Desai : How was the answer given, without understanding the distinction between a public and a private entertainment, that this was a private entertainment ?

Mr. J. A. Thorne : I did not say that there was no distinction ; and given sufficient time I could elaborate the point ; but the information we have received is that this entertainment was of the nature of a private one rather than a public one.

Mr. Bhulabhai J. Desai : In what sense was it understood to be a private one ? I am not asking for a general definition.

Mr. J. A. Thorne : I do not think I can add to what I said. I have no information as to who exactly were present at the party nor the

details that would be necessary before one could say whether any particular definition was completely fulfilled, but the Chief Commissioner's report is to the effect that the party was not a public one but of a private nature.

Mr. Bhulabhai J. Desai : Do I understand that the answer is withdrawn that it was a private one, in the absence of sufficient information ?

Mr. J. A. Thorne : Not at all.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that the entertainment was arranged on behalf of the citizens of a particular ward in the Delhi municipality. Was this party given in the name of the residents of a particular ward ?

Mr. J. A. Thorne : I cannot say whether the invitations were issued in the name of the residents of a municipal ward but I should think it unlikely.

Mr. Mohan Lal Saksena : Is it not a fact that you said just now that the party was given by the Hindu residents of the ward ?

Mr. J. A. Thorne : That is not what I said.

Mr. Bhulabhai J. Desai : What is it that you have said ?

Mr. Muhammad Azhar Ali : Are the Government aware that this Mr. Scott has on previous occasions got into similar embroils and that his name has come before the Assembly before in Delhi ?

Mr. Sri Prakasa : Is it a case of an extra fifth meal ?

Sir Muhammad Yakub : May I know if this hostile demonstration was manœuvred by the Local Congress Committee of Delhi.

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

ALLEGATIONS AGAINST THE SENIOR SUPERINTENDENT OF POLICE, DELHI.

65. ***Mr. M. Asaf Ali :** (a) Will the Honourable the Home Member please state if it is a fact that certain allegations were made against the present Senior Superintendent of Police, Delhi, in connection with a *lathi* charge made by the Police in Lahore in which the late Lala Lajpat Rai was injured ?

(b) Is it also a fact that an adjournment motion relating to a certain incident in Delhi, in which the present Senior Superintendent of Police of Delhi figured prominently, was carried by the House during the last Delhi Session ?

(c) Is it a fact that the name of the present Senior Superintendent of Police of Delhi has again figured prominently in connection with the incidents enumerated in the preceding question ?

(d) If so, are Government prepared to consider the desirability of taking necessary steps to have a Senior Superintendent of Police in Delhi, who has attracted less attention and evoked less public comments ?

Mr. J. A. Thorne : (a) I understand that allegations were made against this officer ; but that in the public enquiry that followed they were not supported or substantiated.

(b) This officer was mentioned in that debate.

(c) I would refer the Honourable Member to the reply given to the preceding question.

(d) No.

Mr. Mohan Lal Saksena : With reference to clause (b) of the question may I know what action was taken in connection with that adjournment motion ?

Mr. J. A. Thorne : By whom ?

Mr. Mohan Lal Saksena : By Government.

Mr. J. A. Thorne : None.

INDIANISATION OF HIGHER POSTS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

66. ***Mr. S. Satyamurti :** Will the Honourable the Home Member be pleased to state :

- (a) whether his attention has been drawn to an article entitled " The present policy of Indianisation " by Mr. Sachidananda Sinha, *ex-Finance* Member of the Bihar Government and published in the *Amrita Bazar Patrika* of the 14th July and in several other newspapers ;
- (b) whether it is a fact that in the Defence Department there is not a single Indian today down to the post of Under Secretary ;
- (c) whether the audit of Military expenditure is proposed to be handed to a civilian of British nationality and the post of the Financial Adviser to the Department is to be filled by an imported officer from the War Office of England ;
- (d) whether in the Foreign and Political Department there will shortly be no Indian holding any office of Secretary or Deputy or Under Secretary ;
- (e) whether it was understood on the Report of the Lee Commission that at least 25 per cent. of the annual recruits to these Departments would be Indians ;
- (f) whether it is a fact that between 1924 and 1930, of the 47 recruits to these Departments, only five were Indians and since 1931 no Indian has been taken ;
- (g) whether to the post of Budget Officer, which had been held by members of the Indian Audit Service since the period of the Montagu Reforms, a member of the Indian Civil Service has been appointed, and if so, why ;
- (h) the reason why no Indian has ever been appointed Finance Secretary ;
- (i) the reason why in the Home Department there is no Indian today above the rank of Under Secretary ;
- (j) whether it is a fact that the new post of Economic Adviser is to be entrusted to a British Officer imported from abroad, and if so why ;
- (k) why in the Commerce Department more Indians are not appointed to the higher posts ;
- (l) the reason why the only Indian on the Railway Board was sent away and Sir Basil Blackett's promise that there would be an Indian on the Railway Board has been violated ;

- (m) why the posts of Secretary and Joint Secretary to the Legislative Department usually go to British Officers, except for brief periods ;
- (n) why a British journalist has been appointed Director of Public Information and another Britisher has been appointed News Editor of the Delhi Broadcasting Station ; and
- (o) whether there is any policy of Europeanising higher offices at the centre as against the coming of Federation ?

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

(b), (c), (d), (e), (f), (g), (h), (j), (k), (l), (m) and (o). I suggest that the Honourable Member's questions, so far as they relate to particular Departments other than the Home Department, should be addressed to the representatives in this House of those Departments. So far as the questions relate to general policy, I would refer the Honourable Member to the speech delivered by the Honourable Mr. Maxwell in the Council of State on the 15th March, 1937, on the Resolution moved on this subject. That speech will also indicate the answer to part (i).

(n) Government have appointed Mr. Henessy as Director, Public Information, because, having regard to all the qualifications required, they consider him the most suitable selection. The second part of this question should be addressed to the Member representing the Department of Industries and Labour.

Mr. S. Satyamurti : Sir, here we are considering the whole question with regard to Indianisation *versus* Europeanisation, and we want help from you. Should not one Department take the responsibility for dealing with all these matters ? I am not now asking whether each man is qualified or not, but I am only raising the general question of Indianisation *versus* Europeanisation.

Mr. President (The Honourable Sir Abdur Rahim) : I do not know that any particular Department deals with a general question like that. I take it each Department has a policy of its own or at any rate carries out a general policy, in the special circumstances of its own Department.

Mr. S. Satyamurti : Sir, with regard to the services and recruitment, the Home Department is responsible ; and the actual postings and the actual duties once a man is posted are in the hands of that Department ?

Mr. President (The Honourable Sir Abdur Rahim) : Do you mean to suggest that the Home Department is responsible for the Indianisation of services in all Departments ? Perhaps the Home Secretary may explain the position.

Mr. J. A. Thorne : The Home Department is perfectly willing to supply all the information it can, but it is only concerned with the general policy. It is not correct that these particular appointments to which these questions relate are gazetted by the Home Department, nor are they consulted. Those appointments are made by particular Departments and I must repeat my suggestion that, if information is required as regards particular appointments, questions should be addressed to the Departments concerned.

Mr. President (The Honourable Sir Abdur Rahim) : Do I understand from the Honourable Member that the Home Department is

charged with the responsibility of seeing that the policy of Indianisation is carried into effect ? If that is so, I should think the Home Department might be in a position to give information as to how far that policy has been carried out.

Mr. J. A. Thorne : Much information in considerable detail was given in the speech of the Honourable Mr. Maxwell to which I have invited attention. These other questions are largely answered—I think my friend will find—by Mr. Maxwell's speech ; but so far as they are not precisely covered, information can best be obtained, I suggest, from the Departments concerned.

Mr. President (The Honourable Sir Abdur Rahim) : Is it not possible for the Honourable Member to find out as regard particular appointments whether they have been Indianised or not, if his Department is responsible for the policy ? I only throw out the suggestion in case it is possible for the Home Department to collect this information, i.e., if the Home Department is responsible for the policy of Indianisation.

Mr. J. A. Thorne : Much general information of that kind was collected and was supplied in the speech of the Honourable Mr. Maxwell.

Mr. President (The Honourable Sir Abdur Rahim) : Do I understand that the general question relating to All-India and Central Services including all matters concerning the Indian Civil Service and the Indian Police is in charge of the Home Department ?

Mr. J. A. Thorne : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Does not this policy of Indianisation come within that ? All I am concerned with is to find out what ought to be the procedure by which Honourable Members can obtain information like that asked for in the question. That is all that the Chair is concerned with, and I think the House ought to have precise information as to how to obtain that information.

Mr. J. A. Thorne : If you so direct, Sir, that information will certainly be obtained and placed on the table of the House. It is, however, under the present procedure extremely difficult for the Home Department to answer, in the time available, questions containing fifteen limbs.

Mr. President (The Honourable Sir Abdur Rahim) : Then the proper course would be for the Home Department to issue a circular as to what Department will be responsible for answering questions of this kind. I do not know if that is possible, but I think the Home Department can help Honourable Members to ascertain the Department to whom they can have recourse for information.

Mr. S. Satyamurti : Sir, all these matters arose after Mr. Maxwell's speech ; therefore, there is no meaning in referring me to that speech backwards. I am asking about the present position, with regard to the various Departments.

Mr. President (The Honourable Sir Abdur Rahim) : We are working out the new rules, and the difficulties are bound to arise.

Mr. S. Satyamurti : Then, this question may stand over, Sir, so far as it has not been answered ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes.

I need not remind Honourable Members that with regard to questions that have not been asked, answers to these will be laid on the table.

(b) WRITTEN ANSWERS.

SHADOWING BY POLICE OF MR. RAJAGOPALACHARIAR ON HIS JOURNEY FROM BOMBAY TO MADRAS.

50. *Mr. Badri Dutt Pande : (a) Has the Honourable the Home Member seen the statement of Mr. Rajagopalachariar, the Congress Leader (since Prime Minister) of Madras to the effect that he was shadowed by the police in an awkward and obstructive way on June 1 and 2 throughout his journey from Bombay to Madras and that his ticket was frequently checked even at night ?

(b) Was this done under the order or the knowledge of the Home Department of the Government of India ?

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

(b) No.

CLOTHING AND KIT ALLOWANCE OF A BRITISH SOLDIER.

58. *Mr. Badri Dutt Pande : Will the Defence Secretary be pleased to state :

- (a) what is the rate of clothing and kit allowance of a British soldier at present ;
- (b) what kit and clothing is provided to the British soldier free of charge in addition to the clothing and kit allowance ;
- (c) whether he has been given a third uniform of *khaki* drill and a helmet free of charge recently ;
- (d) whether there is a proposal still under discussion that the British soldier should further receive free of charge certain other items to complete his kit to the Indian scale which at present he purchases from his clothing allowance ; and
- (e) what would be the additional cost to the tax-payer of all this change in the British Army in India ?

Mr. C. M. G. Ogilvie : (a) The maximum and minimum rates are Rs. 8-15-0 and Rs. 7-0-0 per month respectively, according to the scale of clothing and necessaries which the individual is compelled to maintain.

(b) On enlistment an initial issue comprising the complete authorised scale of clothing and necessaries is issued free. During the first year of service no clothing allowance is payable. On the completion of one year's service all replacement issues are made on payment out of the clothing allowance or, if this is insufficient to cover the cost, the necessary deductions are made from the individual's pay.

Approximately 99 per cent. British other ranks are enlisted in the United Kingdom and the initial free issue of clothing and necessaries does not, therefore, directly affect Indian Revenues.

(c) The matter is under consideration.

(d) Yes.

†(e) Until the proposals are worked out, it is not possible to specify the additional cost.

†The original reply sent by the Defence Department to part (e) of question No. 58 was "The cost of (c) and (d) together will, if sanctioned, amount to about Rs. 63,000 per annum", but the reply as printed above was sent by that Department afterwards in substitution of the original reply on the 25th August, 1937.

RESTRICTIONS AGAINST THE ENTRY INTO INDIA OF CERTAIN INDIANS.

67. ***Sardar Mangal Singh :** (a) Will the Foreign Secretary please state the names of all those Indians whose re-entry into this country is prohibited by executive order or against whom criminal proceedings are pending ?

(b) Will the Foreign Secretary please state whether Government are prepared to remove all restrictions against their entry into this country and withdraw all prosecutions against them ?

Mr. J. A. Thorne : (a) and (b). I would invite the attention of the Honourable Member to the reply given by Sir Henry Craik to Mr. Mohan Lal Saksena's question No. 744 on the 30th March, 1937. There are no persons of Indian nationality who have been refused permission to return to India.

WHEREABOUTS OF SARDAR AJIT SINGH AND RESTRICTIONS AGAINST HIS ENTRY* INTO INDIA.

68. ***Sardar Mangal Singh :** (a) Will the Foreign Secretary please state the whereabouts of Sardar Ajit Singh who left this country in 1908 or thereabout ?

(b) Is there any restriction on his re-entry into this country or any criminal proceedings still pending against him ?

Mr. J. A. Thorne : (a) His present whereabouts are unknown to Government.

(b) I am not aware of any.

INDIAN NATIONALS KIDNAPPED BY THE FRONTIER TRIBESMEN.

69. ***Sardar Mangal Singh :** (a) Will the Foreign Secretary please state the names of all those Indian Nationals who have so far been kidnapped by the tribesmen from the beginning of the present Frontier operations ?

(b) How many of them have been allowed to return to their homes, how many of them are still with the tribesmen and how many have been killed by them ?

(c) What is the total amount which has, so far, been paid as ransom to get back the kidnapped persons from the beginning of the present operation ?

(d) Has any financial assistance been rendered by the Government to the kidnapped persons or their relations in any form ?

Lieut.-Colonel A. E. B. Parsons : Information as far as is at present available is as follows. Fuller particulars are being obtained from the Provincial Government and will be laid on the table in due course.

(a) A list giving the names (where known) and other particulars of the persons kidnapped is laid on the table.

(b) With the exception of the persons mentioned under items Nos. 2, 14 to 16 and 18 to 19 in the list, all have been returned or rescued. None have been killed by the tribesmen.

(c) In the case mentioned under item No. 13 in the list, it is believed that ransom of Rs. 2,100 was paid privately. This case however was the result of a private feud unconnected with the present disturbances. No other ransom money has been paid so far as is known.

(d) No information is at present available.

List of persons kidnapped by tribesmen from the beginning of the present disturbances in the North-West Frontier Province.

Item No.	Date of kidnapping.	Place from which kidnapped.	Names or other particulars.
1	19-2-37	Bannu District	Two Hindus (names not known).
2	17-3-37	Bannu-Kohat road	Bogharam, Hindu.
3	18-3-37	Bannu District	Tehlam, Hindu.
4	19-3-37	Lakki Bazar	Five Hindus (names not known).
5	19-3-37	Bharth	Parmanand, Hindu.
6	23-3-37	Mamaeh Khel	Gopichand, Hindu.
7	6-4-37	Razmak road	Ganesham Das, Lorind Chand and another Hindu (name not known).
8	8-4-37	Nikori Jani Khel Khassadar Post.	One Muslim District Board Overseer and one Hindu Munshi (names not known).
9	16-4-37	Bahram Khel	One Hindu (name not known).
10	24-4-37	Gul Imam	Two Hindus (names not known).
11	2-5-37	Paharpur	Gokal Chand, Hindu, and Harnam Singh, Sikh.
12	19-5-37	Tittar Khel	Four Hindu girls (names not known).
13	19-5-37	Bragi	Eight Moslem boys (names not known).
14	3-7-37	Passani	Devi Dyal, Hindu boy.
15	13/14-7-37	Durraka Sulaiman Khel ..	Remaldas, Hindu.
16	1/2-8-37	Village Pai	Hindu woman (name not known).
17	10-8-37	Near Hawed	Muslim girl and boy (names not known).
18	14-8-37	Umar Khel	Two Hindus and a girl (names not known).
19	17-8-37	Sheikh Uttar	Two girls, two boys and one man, all Hindus (names not known).

KIDNAPPING INCIDENTS ON THE FRONTIER.

70. *Sardar Mangal Singh : (a) Will the Foreign Secretary please state what effective measures the Government propose to take to put a stop to the repetition of the kidnapping incidents on the Frontier ?

(b) Has the attention of Government been drawn to the press statement of Khan Abdul Ghaffar Khan that the Government can stop these kidnappings and that he is prepared to offer his co-operation to Government in this matter ?

(c) Are Government prepared to utilise his influence in the solution of this difficult question ?

Lieut.-Colonel A. E. B. Parsons : (a) Government have taken such steps as seem to them practicable to deal with kidnapping. They have increased their armed forces along the administered border, have issued large number of arms to villagers for their self-protection, and are bringing all forms of pressure to bear on the tribes of the actual offenders.

(b) and (c). Government have noticed statements to that effect but they do not consider it likely that the intervention of Abdul Ghaffar Khan would accomplish anything.

BAN ON THE PUBLICATION OF NEWSPAPERS IN CERTAIN CANTONMENTS.

71. ***Seth Govind Das :** (a) Will the Foreign Secretary please state whether the Indian Press and Books Registration Act operates in the cantonments of Neemuch, Mhow, Baroda Residency, Rajkot Civil Station, Mount Abu, Indore Residency area and the Kolhapur Residency areas ?

(b) Is it a fact that no newspaper is published in Mhow or Neemuch ?

(c) Is it a fact that several persons wanted to establish a newspaper from either Mhow or Neemuch but the Resident in Central India did not allow any to be published ?

(d) Will Government enunciate their policy in the matter ?

The Honourable Sir Nripendra Sircar : The information asked for has been called for and a reply will be given to the House in due course.

INTRODUCTION OF MOTOR TRANSPORT BETWEEN SIMLA AND MASHOBRA AND IMPROVEMENT OF SIMLA.

72. ***Mr. B. Das :** (a) Will the Honourable the Home Member be pleased to state whether the Government of India appointed an officer to make recommendations regarding the improvement of Simla ?

(b) For what reasons have the Government of India assigned to themselves functions which properly belong to the local governing body ?

(c) Are the Government of India aware that in 1933 a memorial, widely signed by all classes in Simla, was forwarded to the Punjab Government with the strong recommendations of the Municipality urging the introduction of experimental motor transport between Simla and Mashobra ?

(d) Are the Government of India aware that this recommendation has been repeated recently by the Municipal Committee, and that the proposal was turned down on both occasions, and no reason has been given for its refusal ?

(e) If the answer to part (d) be in the affirmative, were the Government of India consulted in this matter, and if so, what were their views ?

(f) In view of the appalling conditions of over-crowding existing in the Simla Bazaar and in the hope that the introduction of motor transport may prove of some relief, are the Central Government prepared to recommend to the Punjab Government to sanction the proposal ?

Mr. M. S. A. Hydari : (a) No.

(b) Does not arise.

(c) Government have no information.

(d) and (e). In February last the Punjab Government suggested the institution of a restricted motor service between the Ridge and the beginning of Mashobra bazaar. Since the proposal had in view only the convenience of Simla residents or visitors seeking diversion outside, its acceptance would not have led to any appreciable relief of the congestion in Simla while it would have added to the cost of road maintenance.

(f) This is not a matter which is the primary concern of the Governor General in Council.

DISCUSSION BETWEEN HIS EXCELLENCY SIR GEORGE CUNNINGHAM, GENERAL SIR JOHN COLERIDGE AND HIS EXCELLENCY THE VICEROY IN CONNECTION WITH THE FRONTIER POLICY.

72A. *Seth Govind Das : Will the Foreign Secretary please state :

(a) whether it is a fact that His Excellency Sir George Cunningham and General Sir John Coleridge have visited His Excellency the Viceroy recently ;

(b) whether it is a fact that their visit was in connection with a new orientation in the North-West Frontier policy of the Government ;

(c) whether the terms of settlement with the tribal chiefs in Waziristan were one of the subjects discussed ; and

(d) what were the decisions arrived at on the whole policy of the Government with regard to the North-West Frontier ?

Lieut.-Colonel A. E. B. Parsons : (a) Yes.

(b) Their visit was for the purpose of discussing the future policy to be followed in Waziristan.

(c) Yes.

(d) It will not be in the public interest to give any information at present regarding the decisions reached.

ANNEXATION OF THE TRIBAL TERRITORY AND EXTENSION OF THE FRONTIER OF INDIA TO THE DURAND LINE.

72B. *Sardar Mangal Singh : (a) Will the Foreign Secretary please state whether Government are prepared to reconsider the whole Frontier policy with a view to arrive at a lasting settlement with the independent tribes ?

(b) Is it a fact that Government seriously contemplate the annexation of the tribal territory and extending the frontier of India to the Durand line ?

Lieut.-Colonel A. E. B. Parsons : (a) The Government of India do not propose any radical change in the Frontier policy pursued by them during recent years.

(b) The answer is as under (a) above. It is, however, pointed out that the Durand Line is already the frontier of India.

BAN ON THE ENTRY OF BRITISH MISSIONARIES INTO ABYSSINIA.

72C. *Sir Muhammad Yakub : In view of the fact that the Italian Government has placed a ban on the entry of British missionaries into Abyssinia, does the Honourable the Home Member propose to take similar action in India and turn out of India all the Italian missionaries now in this country ?

Mr. J. A. Thorne : The Government of India have made certain enquiries concerning Italian missionaries from Provincial Governments and must await their replies before reaching any decision in this matter.

PERFORMANCE OF MARRIAGES IN VIOLATION OF THE CHILD MARRIAGE RESTRAINT ACT IN INDIAN STATES.

72D. *Mr. Lalchand Navalrai : Will the Honourable the Home Member be pleased to state :

- (a) whether he is aware of the widespread demand of the several sections of the Indian people to checkmate the violation of the Sarda Act (Restraint of Child Marriage Act) by performing child marriages by the parties going to certain Indian States ;
- (b) whether the Honourable Member is also aware of a strong protest against such infringement having been recorded by the Indian women at their last " All-Indian Women Conference " ;
- (c) whether Government have been in communication in order to advise any Indian States to disallow such marriages being performed by British subjects ; if so, which of the States and with what effect ; if not why not ;
- (d) whether the Government of India have ever consulted the Khairpur State on this point ; if so, with what effect ;
- (e) will the Honourable Member please inform the House of any difficulties or objections raised by any Indian States against this reform ;
- (f) do Government propose to take steps to improve upon and reform the Sarda Act ; if not, why not ?

Mr. R. F. Mudie : (a) Government are not in possession of conclusive evidence that there is general evasion of the provisions of the Act. There is a certain amount of evasion of this kind, but a number of Indian States have passed legislation on the same lines as the Child Marriage Restraint Act, 1929.

(b) The Honourable Member's assertion is not supported by the proceedings of the Conference.

(c), (d) and (e). I am unable to reply to these parts of the question which should have been addressed to the Honourable the Leader of the House.

(f) Government realise that the existing Act is defective in this and other respects. A Bill by the Honourable Member which aims at rectifying this defect and a Bill by another Honourable Member to rectify other defects are at present pending before this House and Government do not, therefore, propose to undertake legislation themselves.

UNSTARRED QUESTIONS AND ANSWERS.

MOSQUES WITH NO RIGHT OF WORKSHOP TO MUSLIMS IN POSSESSION OF GOVERNMENT.

1. **Maulana Zafar Ali Khan** : Will the Honourable the Home Member be pleased to place on the table a complete list of all mosques in British India with their locality which have been appropriated by Government for official purposes, and the right of access to which as places of worship is denied to the Musalmans ?

Mr. J. A. Thorne : The Central Government is concerned only with mosques in the centrally administered areas or mosques which have been appropriated by the Central Government. If the Honourable Member has any particular mosque in mind he should address a question to the Department concerned.

PRISONERS CONVICTED UNDER CERTAIN ACTS IN THE CENTRALLY ADMINISTERED AREAS.

2. **Mr. Mohan Lal Saksena** : Will the Honourable the Home Member be pleased to lay on the table a statement giving the names of prisoners convicted under section 124-A, Indian Penal Code, section 108, Criminal Procedure Code, Explosives Act, Criminal Law Amendment Act and Press Act, and other revolutionary prisoners in the centrally administered provinces, their offences, period of total sentence given as well as that undergone with their respective classification ?

Mr. J. A. Thorne : I am obtaining the information and will lay it on the table in due course.

PERSONS EXTERNTED OR INTERNED IN THE CENTRALLY ADMINISTERED AREAS.

3. **Mr. Mohan Lal Saksena** : Will the Honourable the Home Member be pleased to lay on the table a statement giving the names of persons against whom orders of externment or internment have been passed in the centrally administered areas, the reason for such orders, the respective dates of the orders as well as the period, after which the orders are going to be cancelled ?

Mr. J. A. Thorne : I am making enquiries and will lay on the table in due course the information obtained.

BOOKS AND LEAFLETS PROSCRIBED BY THE CENTRAL GOVERNMENT OR ADMINISTRATIONS.

4. **Mr. Mohan Lal Saksena** : Will the Honourable the Home Member be pleased to lay on the table a statement giving the names of books and leaflets proscribed by the Central Government or Administrations during the last two years ?

Mr. J. A. Thorne : It would be contrary to the public interest to lay a statement on the table : but all proscriptions are notified in the Gazette of India. Only one publication has been proscribed in centrally administered areas during the last two years and the number of books in respect of which orders have been issued under the Sea Customs Act is eight.

SECURITIES DEMANDED FROM PRESSES AND NEWSPAPERS IN THE CENTRALLY ADMINISTERED AREAS.

5. **Mr. Mohan Lal Saksena** : Will the Honourable the Home Member be pleased to lay on the table a statement giving the names of presses and newspapers from which securities were demanded during the last two years in the centrally administered areas, with their respective amounts ?

Mr. J. A. Thorne : The information is being collected and will be laid on the table in due course.

DETENUS IN THE DEOLI DETENTION CAMP.

6. **Mr. Mohan Lal Saksena** : (a) Will the Honourable the Home Member be pleased to lay on the table a statement giving the names, qualifications, the date of order of detention, of all persons confined in the Deoli Detention Camp, with their ages and respective allowances ?

(b) Will the Honourable Member state the average number of interviews which each of them had during the last twelve months ?

(c) How many of them did not have any interview during the last twelve months, and how many of them, if any, have had no interviews since their transfer to the Deoli Camp ? Will the Honourable Member state the reasons for this ?

Mr. J. A. Thorne : Information required is being collected and will be placed on the table in due course.

PRISONERS CONFINED IN THE CELLULAR JAIL IN THE ANDAMANS.

7. **Mr. Mohan Lal Saksena** : Will the Honourable the Home Member be pleased to lay on the table a statement giving names, offences, total sentences, dates of sentence and release of prisoners now confined in the Cellular Jail in the Andamans, with their respective weights before their transfer from India and in June last ?

Mr. J. A. Thorne : I would refer the Honourable Member to the reply given to his starred question No. 386, dated the 15th September, 1936.

INDIANS OUTSIDE INDIA NOT PERMITTED TO RETURN TO INDIA.

8. **Mr. Mohan Lal Saksena** : Will the Honourable the Home Member be pleased to lay on the table a list of the Indians outside India who are not permitted to return to India ?

Mr. J. A. Thorne : The position is the same as when Sir Henry Craik replied to the Honourable Member's question No. 744 on the 30th March, 1937. There are no persons of Indian national who have been refused permission to return to India.

SYSTEM OF ADMINISTRATION IN SAM RANIZAI AND SWAT RANIZAI AREAS IN THE NORTH-WEST FRONTIER PROVINCE.

8A. **Mr. Abdul Qaiyum** : (a) Will the Foreign Secretary please state what is the present system of administration in the areas known as Sam Ranizai and Swat Ranizai in the North-West Frontier Province ?

(b) Were any terms settled between the Government and the residents of Ranizai when this area came under British sphere of influence ?

(c) If so, what are these terms and are they being adhered to by the authorities ?

(d) Is it a fact that the entire area is administered by two Tahsildars whose administration in fact is almost autocratic ?

(e) Do Government intend amalgamating this tract with the Mardan District so that its people can benefit from a more progressive system of Government ?

Lieut.-Colonel A. E. B. Parsons : (a) Sam Ranizai and Swat Ranizai are included in the Malakand protected area. They are under a loose system of administration whereby the Political Agent is generally responsible for law and order, but the village *jirgas* to a very great extent manage their own affairs and deal with ordinary offences and disputes. No land revenue or water rate is recovered in Swat Ranizai, and water rate only is collected in canal irrigated areas in Sam Ranizai.

(b) and (c). Yes the attention of the Honourable Member is invited to agreements Nos. XIV and XV printed at pages 446-447 of Aitchison's Treaties, Engagements and Sanads, Volume XI. These terms are being adhered to so far as the Government authorities are concerned.

(d) The area is administered by the Political Agent, Dir, Swat and Chitral, who is under the administrative control of the Governor, North-West Frontier Province, acting as Agent to the Governor General in Council. He is assisted by two Tahsildars who exercise their authority under his close control.

(e) There is no intention of amalgamating the area with the Mardan District.

ARREST OF MUHAMMAD ZAMAN KHAN OF SARDARA UNDER THE FRONTIER CRIMES REGULATION.

8B. **Mr. Abdul Qaiyum** : (a) Will the Foreign Secretary please state whether it is a fact that Muhammad Zaman Khan of Sardara, a Khan of

the Masto Khel tribe, Kurram Agency, was arrested and ordered to furnish security under section 40, Frontier Crimes Regulation, in Rs. 7,000 with 14 securities ?

(b) If the answer to part (a) be in the affirmative, what were the reasons for his arrest, and when was he actually arrested ?

(c) Is Muhammad Zaman serving a sentence in jail ? How long is it proposed to detain him ?

(d) Is it a fact that the Political Agent, Kurram, with two platoons of Kurram Militia searched his house, breaking open his front door ? If so, was it done in the absence of any males, and were any arms recovered and confiscated ?

(e) Is it also a fact that the Arms Act does not apply to the Kurram Agency, and the keeping of such arms was not illegal ?

Lieut.-Colonel A. E. B. Parsons : It is not in the public interest to reply to this question.

MOTIONS FOR ADJOURNMENT.

PERPETUATION OF THE OTTAWA AGREEMENT.

Mr. President (The Honourable Sir Abdur Rahim) : As regards the various motions for adjournment, before I deal with them, I want to inform the House that I do not propose to read out *verbatim* the order of the Governor General disallowing these adjournment motions. The first motion for adjournment stands in the name of the Honourable Member, Mr. Satyamurti. He intends asking " the leave of the Honourable the President and of the House to move for the adjournment of the business of the House to discuss a definite matter of urgent public importance, *viz.*, the action of the Government of India in perpetuating Ottawa, in spite of the declared verdict of the Assembly, without concluding an agreement to take its place promptly ".

Is there any objection ?

Mr. S. Satyamurti (Madras City : Non-Muhammadian Urban) : Sir, I do not want to embarrass the non-official advisers who are now engaged in these negotiations, and who are doing well, and so I do not wish to move this motion.

REORGANISATION OF THE IMPERIAL SECRETARIAT.

Mr. President (The Honourable Sir Abdur Rahim) : Then the next motion for adjournment stands in the name of Professor Ranga and is to this effect, that he intends " to move a motion for adjournment of the House to discuss a definite matter of urgent public importance of recent occurrence, namely, the policy of the Government as adumbrated in the Maxwell Committee's Report on the reorganisation of the Imperial Secretariat to create a larger number of posts for the highly-paid I. C. S. in the form of Under Secretaries of Government on the eve of the Federation for the purpose of forcing them on the future ministers when appointed under the Federal Government ".

This motion has been disallowed by the Governor General on the ground that the motion cannot be moved without detriment to the public interest.

TRAIN DISASTER NEAR DINAPORE STATION.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion for adjournment is by Prof. Ranga. He wants adjournment of the business of the House to discuss a definite matter of urgent public importance of recent occurrence, namely :

“ The failure of the Railway Administration to take sufficient preventive measures to avoid reoccurrence of the second train disaster which occurred on the 17th July, on the same section of the East Indian Railway near Dinapore Station where another disaster had occurred a few years ago.”

Does the Honourable Member wish to move it ?

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : I understand that the results of the inquiry are not yet published and are being considered and so I do not wish to move it.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion for adjournment is in the name of Mr. Avinashilingam Chettiar. That is covered by the motion discussed yesterday regarding the agreement between the Government of India and the Government of Zanzibar. So, it goes out.

AMENDMENT OF INDIAN LEGISLATIVE ASSEMBLY RULES.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion is in the name of Mr. Satyamurti. He wishes to discuss by this motion the amendments of the rules of the Indian Legislative Assembly published in the Gazette of India of the 24th of July, 1937, without even consulting the Assembly.

Does the Honourable Member wish to move it ?

Mr. S. Satyamurti : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Is there any objection ?

The Honourable Sir Nripendra Sircar (Leader of the House) : No, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken up at four o'clock.

RESOLUTION RE AMENDMENTS TO THE INDIAN LEGISLATIVE RULES.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume discussion of the following Resolution moved yesterday by the Leader of the House and the amendment* moved thereon by Sardar Sant Singh :

“ That this Assembly recommends to the Governor General in Council that the following amendments be made in the Indian Legislative Rules, namely :

(1) To rule 6 the following proviso shall be added, namely :

‘ Provided that where the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege, the

“ That in paragraph 1 of the Resolution, for the proposed proviso to rule 6, the following be substituted :

‘ Provided that when the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege, such motion shall have precedence over the day's business on which such motion is moved ’.”

Governor General in Council shall, unless the motion is prohibited under the operation of sub-rule (2) of rule 12A or is disallowed by the Governor General under sub-rule (4) of rule 12A, as soon as may be, allot for the discussion of such motion so much time on a day or days not allotted for the business of non-official members as may appear to him to be sufficient, and such motion shall be open to discussion within the time so allotted but at no other time.'

(2) After rule 12 the following rule shall be inserted, namely :

' 12A. (1) Subject to the provisions of sub-rules (2), (3) and (4) a motion for the purpose of discussing a question of privilege may be moved with the consent of the President.

(2) No such motion shall be moved if it concerns a matter on which a Resolution could not be moved and no such motion shall be moved save with the consent of the Governor General in his discretion if it concerns a matter on which a Resolution could not save with such consent be moved.

(3) The decision of the Governor General in his discretion on the point whether any such motion is or is not within the restrictions imposed by sub-rule (2) of rule 23 shall be final.

(4) The Governor General may at any time notwithstanding the consent of the President or before such consent has been given disallow any such motion or any part of such motion on the ground that it cannot be moved without detriment to the public interest, and if he does so no further discussion of the motion or part thereof as the case may be shall take place '."

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I was in possession of the House when the discussion of this matter was interrupted by a more important matter. I have read what I said yesterday when I moved the Resolution and also what I added later on. I desire to point out in amplification of a matter which I raised yesterday that under our rules, for instance, rule 6, the allotment of time for non-official business and precedence of business is controlled in this way :

" The Governor General, after considering the state of business in that chamber, shall allot so many days as may, in his opinion, be possible compatible with the public interests for the business of non-official Members in that chamber."

Then, we come to Standing Order 7A and without tiring the House with the reading of that long Standing Order, the position is this. As regards official matters, the control under the rule is given to the Governor General and the point that I raised yesterday was this that if Sardar Sant Singh's amendment is accepted, the position will be that if a privilege motion is acceded to by the President, then the motion gets precedence over all other matters, and I pointed out that in practical result we can never get the motion finished, as it will depend on the nature of the subject and on the temper of the House. The whole scheme of the rules will be upset and that may drag on for days. The other objection I have already indicated when I moved my Resolution. I have nothing to add to that and I oppose the amendment, and I have clearly indicated the choice before the House.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I have listened to my Honourable friend, the Law Member, expounding his objection to the amendment of Sardar Sant Singh, which really seeks to bring into line the practice on motions of privilege, with the practice prevailing in the British House of Commons. That is to say, when a

[Mr. S. Satyamurti.]

motion for privilege is made, it automatically takes precedence over all other business in the House, until it is disposed of one way or the other by the House. My Honourable friend, the Mover of the amendment, does not ask for anything more at all. But my Honourable friend, the Law Member, in answer to certain objections to this motion of his on the ground that it is an encroachment on the privileges of the House made—I use the expression in no offensive mood at all—a theatrical gesture yesterday, and said : “ Shall I withdraw this motion ? ” Of course, we said “ No ”, and I will tell him why. It was not because we are enamoured of this motion, but because we want an opportunity to vote for the amendment of Sardar Sant Singh. Let him not misunderstand the attitude of the House in refusing to allow him to withdraw this motion. Then, so far as the actual wording of his motion is concerned, I merely want to draw the attention of the House to the common features in the motion and the amendment of Sardar Sant Singh. In both these, that is to say, the motion as well as the amendment, the significant words occur “ when the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege ”.

Now, the President of the House, whoever he is, *ex hypothesi* commands the confidence of all sections of the House, and of the House as a whole. I, therefore, take it that it must be conceded by all sections of the House, including the Government, that, when the President has given his consent to the moving of a motion for discussing a privilege, there is at least a *prima facie* case for the discussion of that motion. I want the House now to look at what the Honourable the Law Member wants. If they will kindly turn to page 3 of the Agenda, they will find that clause 2, sub-clause (4) says :

“ The Governor General may at any time notwithstanding the consent of the President or before such consent has been given disallow any such motion or any part of such motion on the ground that it cannot be moved without detriment to the public interest, and if he does so no further discussion of the motion or part thereof as the case may be shall take place.”

What does it amount to ? It amounts to this—that the House has given leave and the President has held that the matter is one of sufficient importance to be discussed on the floor of the House, and yet the Governor General can say at any time he likes, that we ought not to discuss the motion. I submit, without reference to the existing personalities, that there can be no greater expression of want of confidence in the Chair, than this bare-faced attempt of putting the Governor General over the President in a purely domestic question of the privileges of this House. Is it right ? Who is this Governor General—I am not referring to Lord Linlithgow—that he can act as a kind of a super-judge over the whole House and over the President ?

Sir, this phrase of the Governor General’s “ discretion and individual judgment ” will deceive nobody. We know human nature. What it means is this—that some Deputy Secretary, some Assistant Secretary, some Joint Secretary, will put up a note saying that this ought not to be allowed, and we shall be told that it has been disallowed by the Governor

General. It seems to me that it is nothing short of trifling with a matter of this importance, to say that, when the House and its President have both come to the conclusion that the matter is one of privilege, somebody else ought to come in and at any time he likes, stop the discussion. My friend, the Law Member, made an offer and said : " Will you agree to my withdrawing it ? " I make him another offer. Will he kindly look at rule 6 ? This rule says that, on certain days, official business alone shall have precedence, and on other days non-official business, and the last sentence is this :

" On other days (*that is to say, on official days*) no business other than Government business shall be transacted except with the consent of the Governor General in Council."

Very good. If the Governor General is going to agree to a motion of privilege being discussed on the floor of the House, then the other sub-clause in the rule really comes to this—that he has always a kind of reserve power to tell this House that you shall no longer discuss this matter. I think in practice the power of the Governor General to allow a business to be transacted even on official days may be quite ample for our purpose, because in either case the consent of the Governor General is the operative factor. Let there be no mistake about that. Let us clearly understand that. Whether this motion is passed as it stands and the Rule is made, or whether the Rules stand as they are, especially Rule 6, the consent of the Governor General is the operative part of the whole machinery. Therefore, it seems to me that the present amendments are not giving us really what we want.

Then, my Honourable friend said, you must choose between two evils, that is to say, having no day for discussion of privilege or the evil of having this rule, without the amendment of Sardar Sant Singh. Now, Sir, I want to appeal to the House to support the amendment of Sardar Sant Singh, and if the Honourable the Law Member carries out the threat which he held out yesterday, that if the House passes any motion which takes away the Governor General's discretion to withhold his consent, they will not make that Rule, I think we had better face that evil. It is not the lesser of the two evils, but the greater of the two evils ; because I think this is the first time that we are asked as a House to pronounce on this new machinery of the Government of India Act, 1935, this entity called the Governor General in his discretion or in his individual judgment. Let us express our candid opinion that we have no trust in this statutory entity, namely, the Governor General's discretion, which really means, the Deputy Secretary or the Joint Secretary, and so forth. It seems to me that we ought really not to accept this kind of machinery which really gives us nothing, and I repeat that it is not showing that respect for the Chair, which my Honourable friends on the Treasury Benches protest constantly when it suits them. If the Honourable the President gives his consent, why do the Government distrust him ? May I know why the Government want to thrust this entity of Governor General over the decision of the President ? Does the Governor General know more about the privileges of this House than the President ? Why do not the Government make their submission openly on the floor of the House in our hearing ? Why do they want to rush to the Viceroy's house, and tell him something privately which we cannot hear except after he has made up his mind ? Why don't you, like men, face the Opposition and make your submissions to the Chair ? Why should not the Government come before

[Mr. S. Satyamurti.]

this House with their case ? Why do they resort to Star Chamber methods ? The Government are so fond of them, that they do not like to adopt public methods. I think we must teach this Government that they should have more faith in doing things openly, and that they should not have recourse to these dubious and doubtful ways.

We are discussing the question of privilege, and one of the common methods in which the privilege of the House may be attacked is for example that a Member of the Governor General's Executive Council or the Governor General may attack the House. A Member of the Executive Council may say, " I know more what is for the good of the country than the House and, therefore, I say that this is not a matter in which the House has wisely decided ". The Governor General may hold that this is not a matter of privilege, though the President holds it is so. Thus the House may have been contemptuously treated by the Governor General, but the House may not censure the Government for their conduct. It comes to this—that in a case like this, where the Governor General over-rides the decision of the President, the accused will be the Judge in his own case, that is to say, the person who has insulted this House will have the power to tell you and to this House, " you shall not discuss this ". Is that a fair position ? I am not drawing on my imagination. I know the opinions of some of the Members of the Executive Council about this House. They dare not express them in this House, because of you. When they are outside this House, they may say it. Supposing they say something against this House outside, and supposing my Honourable friend, Sardar Sant Singh, brings up a motion of privilege on the ground of some Members of the Executive Council having abused this House outside, and you, Sir, hold it in order, then what right have the Government to add insult to injury after having abused us, and say " we shall not allow you to discuss that motion ".

Take the Press for example. I am not talking of any particular organ. But there are newspapers and newspapers, and there are newspaper correspondents and newspaper correspondents, having their own political prejudices. Some of them write about us, and some in language which appeals to them, namely, " that these men are irresponsible, they do not know what they are about, or they are autocratic, they do not respond ". They may keep within the line, or they may go beyond bounds ; and if they do that and if we bring it up or if the Government bring that up and you hold that it is a matter of privilege, then ought the influential papers of India, Indian or Anglo-Indian—old style—have the privilege of approach to the Viceroy's House, and say " I am a constant friend of the Government, I support them in all their activities of repressing popular movements in this country, this House tries to attack me, please, therefore, protect me and stop this discussion ". I am not again drawing on my imagination, but these things are possible in every country, and certainly in my country, where there is no real democratic responsible government. It has happened to my knowledge.

It, therefore, seems to me that, if this privilege motion is to be a real thing and not a farce, it ought ultimately to be in your hands and in the hands of the House.

Similarly, take individual Princes, individual Rulers, they may attack the House ; and are they to be allowed to have the privilege of access to

the Viceroy's House and ask him to disallow the motion ? The whole idea of this Resolution is misconceived. The whole thing has been transferred from the Rule governing Resolutions, into a matter of privilege. You will notice, Sir, that the whole of sub-rule 2 is based on the Rule, old and new, governing Resolutions. If Honourable Members will look at these Rules, they will find that they exclude a whole category of cases, from the scope of Resolutions which are recommendations to the Government, on which they may or may not take action. They having the right, so long as this constitution stands, to tell this House that you shall not make a recommendation on certain matters. But they cannot be applied to matters of privilege, where the dignity and the self-respect and indeed the powers of this House are involved. It seems to me that it is wholly misconceived to seek to attach to this Rule limitations governing the moving of Resolutions. I will discuss this matter further this afternoon, and I do not want to anticipate, but I merely want to draw the attention of the House to the new Rules published in the Gazette of India of the 24th July, in which it is provided that no Resolutions can be moved on the personal conduct and the rule of any Indian State or a Member of a ruling family thereof. It comes to this that a large class of cases is altogether excluded from the scope of this privilege motion.

It seems to me that the last point which the Honourable the Law Member made, he could not have seriously believed it himself. He repeated it this morning. He said it yesterday, that is to say if the motion of Sardar Sant Singh is carried and privilege motions get automatic precedence, the business of the House will be held up by the temper of the House or by anything else. Well, Sir, I have not been very long in this House, but I have been nearly three years here, and I am not talking of my section of the House, I am thinking of all the sections of the House, and if I may say so with all respect, this House has never failed the demands of business (Hear, hear) ; and on every occasion when business has demanded, every section of the House has co-operated with you to see that there was no undue delay. I think you will bear it out yourself, Sir, and will bear out my argument when I say that my answer to the Honourable the Law Member is this : supposing a matter of privilege is taken up and discussed for a day and at about half past four there is a general feeling that the matter has been discussed sufficiently, if a closure is moved, you will accept it ; and I know despite small minorities, the House as a whole will carry the motion, if it is then satisfied that there has been a reasonable discussion.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has two minutes more.

Mr. S. Satyamurti : That is enough for me to conclude. I will show again the keen sense of reasonableness of this House by concluding in these two minutes. This House has never failed in its sense of responsibility for carrying on public business consistent with the requirements of proper debate. I suggest, Sir, that it is a wanton insult to the House to say that, if this motion of Sardar Sant Singh is carried, all the business will be held up. Matters of privilege will be discussed for a few hours, and after all points have been brought to the notice of the House, I have no doubt that no business will be held up, and we shall be able to carry on the business without any undue delay.

I, therefore, submit that this amendment of Sardar Sant Singh is an amendment consistent with the very object of privilege motions, is based

[Mr. S. Satyamurti.]

on the unbroken practice of the House of Commons for several centuries, and will alone give us what we want, when we want to discuss a question of privilege on the floor of the House. I have great pleasure in supporting the amendment, and I request every section of the House to support the amendment wholeheartedly. (Applause.)

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, before you put the question, may I make a request ? As this is a question of privilege involving the privilege of the President also, will you make a statement and address the House on this matter ?

Mr. President (The Honourable Sir Abdur Rahim) : The House has discussed this question at length, and I have given my ruling. I have nothing more to say on this matter, and it is for the House to consider the amendment and give its verdict.

The question is :

“ That in paragraph 1 of the Resolution, for the proposed proviso to rule 6, the following be substituted :

‘ Provided that when the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege, such motion shall have precedence over the day’s business on which such motion is moved ’.”

The motion was adopted.

Mr. S. Satyamurti : Sir, I beg to move :

“ That in paragraph (2) of the Resolution, in sub-rule (2) of rule 12A, all the words after the word ‘ matter ’ be omitted and the following substituted.....”.

Sardar Sant Singh (West Punjab : Sikh) : Sir, may I rise to a point of order ? My submission is that my amendment having been carried, there is no occasion for rule 12A at all, because, according to my amendment, when the President has given his consent to the moving of a motion for the purpose of discussing a question of privilege, such motion shall have precedence.

Mr. President (The Honourable Sir Abdur Rahim) : What happens to paragraphs 2, 3 and 4 ?

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : I may point out that the House has now adopted a substituted proviso to rule 6. That proviso completely covers the whole of the ground and paragraph 2 is not needed because all that is necessary by way of condition for allowing discussion of a matter of privilege is the President’s consent.

Mr. President (The Honourable Sir Abdur Rahim) : If that is the object, there ought to be some amendment moved for its deletion.

The Honourable Sir Nripendra Sircar : I am willing to accept that to be the situation. This goes as a result of Sardar Sant Singh’s motion.

Mr. President (The Honourable Sir Abdur Rahim) : There should be a formal motion.

Mr. Bhulabhai J. Desai : I formally move that the rest be deleted.

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

“ That paragraph 2 of the Resolution be omitted.”

The motion was adopted.

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

“ That the Resolution, as amended, be adopted.”

The motion was adopted.

THE TRADE DISPUTES (AMENDMENT) BILL.

The Honourable Sir Thomas Stewart (Member for Industries and Labour) : Sir, I move :

“ That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, be referred to a Select Committee consisting of Mr. S. N. Roy, Khan Bahadur Sir Abdul Hamid, Mr. C. B. Nagarkar, Mr. N. M. Joshi, Mr. A. Aikman, Babu Baijnath Bajoria, Sir H. P. Mody, Mr. H. A. Sathar H. Essak Sait, Mr. Lalchand Navalrai, Prof. N. G. Ranga, Mr. N. V. Gadgil, Mr. Mohan Lal Saksena, Mr. B. Das and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, this Bill has already been the subject of a considerable debate in this House, last October, when my predecessor moved that the Bill be circulated for opinion. On that occasion, Sir Frank Noyce set out at considerable length the object of the Bill and the nature of its provisions, and these were still further elucidated in the course of the discussion which then took place. At this stage of the progress of the Bill I take it that it would be an unwarranted tax on the time and patience of Honourable Members if I were to attempt any recapitulation of what was said so fully on the last occasion. I shall, therefore, as briefly as possible, refer only to a few of the more important opinions and criticisms which have been received as a result of the circulation of the Bill. A considerable volume of opinion has been received in consequence of the circulation, and these opinions have been placed in the hands of Honourable Members. It will be agreed, I think, that these opinions are representative of every shade of thought, and they constitute a useful contribution towards the discussion of this question. Perhaps their usefulness lies not so much in their freshness or originality as in the fact that they constitute a re-inforcement of the statements and arguments that have already been used. I suggest, therefore, that it is unnecessary for me to re-state in full what those arguments are, and I shall only refer to a few of them. Serious controversy has really been occasioned by only a very few of the clauses of this Bill. As was expected, clause 8 has attracted a good deal of attention. This is the clause which proposes to drop the existing section 16 of the Trade Disputes Bill, section 16 being the section which provided for what we might call, for convenience and brevity's sake, the political non-industrial strike. In its place it proposes to put in a section which is intended to secure an atmosphere of peace and tranquillity while a trade dispute is under investigation by a Conciliation Board or by a Court of Inquiry. The criticisms of this clause 8 fall into two definite classes. On the one hand, we have a repetition of the arguments which were used on the floor of this House by the speakers who claimed, and with every

[Sir Thomas Stewart.]

justification, to speak on behalf of labour. On the other hand, there is complaint that we propose to divest ourselves of powers which are essential in the interests of public tranquillity and of the welfare of the community. These are the opposing points of view that have been expressed, and to those of us who like myself are briefed neither for labour nor for capital, it might be taken that they cancel themselves out. My consideration of those views has suggested that many of the criticisms are based on a faulty appreciation of the precise significance of the phraseology of the clause. I am of opinion, however, that the draft that we have put forward is capable of improvement and I am prepared to do what I can to contribute towards that end in the Select Committee. But I venture to assert that the principle underlying this clause is a good one, one that has ensured universal support, namely, the provision of a peaceful atmosphere in which to secure an effective and prompt settlement of serious industrial disputes which threaten the welfare not only of the parties to the dispute but the welfare of the community at large.

There has also been a considerable amount of criticism of clause 11 of the Bill. This is a clause which seeks to provide for the appointment of Conciliation Officers and to define their functions and duties. The criticisms I think are directed rather to matters of detail than towards the principle of the clause which I am sure is one which must commend itself to all of us,—the principle of conciliation as a preventive of trade disputes. The principle is one to which the Government of India themselves attach the greatest importance and they trust that as the result of discussions in Select Committee there will emerge a general acceptance of this principle and that there will be evolved a practical scheme for the working of Conciliation Officers within the sphere of the Indian industry. The comparative lull in industrial warfare in India in the last few years has been somewhat rudely disturbed of late, first, by the series of strikes in the Calcutta jute mills, and at a later date, in the Cawnpore mills. These strikes come at an appropriate moment to remind us that the Governments in India have need to have at hand some machinery which will enable them to intervene to prevent the outbreak of unnecessary industrial disputes, and, if such disputes should unfortunately have broken out, to enable them to secure an effective and equitable solution of the trouble at once, and finally, in order to protect the innocent third party, the general public, from the ill effects of such disputes. It is our belief that in this Bill we are contributing towards that end, and in that belief I commend my motion to the House. Sir, I move.

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

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, be referred to a Select Committee consisting of Mr. S. N. Roy, Khan Bahadur Sir Abdul Hamid, Mr. C. B. Nagarkar, Mr. N. M. Joshi, Mr. A. Aikman, Babu Baijnath Bajoria, Sir H. P. Mody, Mr. H. A. Sathar H. Essak Sait, Mr. Lalchand Navalrai, Prof. N. G. Ranga, Mr. N. V. Gadgil, Mr. Mohan Lal Saksena, Mr. B. Das and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, the main object of this Bill, as stated by Government, is to promote conciliation between the employers and the employees and to try to "establish industrial peace in this country. Sir, I cannot say that the whole of the working classes in this country are absolutely in favour of

this particular objective aimed at by the Government because the working classes maintain their inherent and inalienable right of some day gaining complete control over the whole industrial structure and machinery of this country, but at the same time, in the meanwhile, they will be content to agree to any proposal that may be made either by the Government or the employers or by the public which would seek to minimise this conflict with a view to improve the economic conditions of the workers or the working classes. If, Sir, any particular move were to be made further to aggravate their economic conditions, even if made in the name of conciliation, in the name of industrial peace, the working classes, I declare, cannot have anything to do with it. We know that the economic conditions as well as the social conditions of our working classes in this country leave very much to be desired and have much to be improved, and if any effort were to be made either by the public or by the Government to interfere in the relations that subsist between the workers and the employers, it must be in the direction of further improving the economic and social conditions of the working classes. Unfortunately, although in this pamphlet that the Government had published only recently on Industrial Disputes in India the Government claim to have passed a number of Acts since 1932, and although Government have, from time to time, been claiming that they have been trying to hold the scales even as between the employers and the workers, it must be admitted by any impartial observer of the attitude and of the policy adopted by them practically since 1930, that the Government have, after all, not been quite so very impartial as between employers and employees and Government have not even tried at any time to favour the workers as against the employers who today and for a very long time till now have been the stronger of the two parties concerned.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Take the case of the jute workers in Calcutta.

Prof. N. G. Ranga : Yes. Even at the time when the first proposal was made for passing this Industrial Disputes Act it was stated on the floor of the House by some Honourable friends, including my Honourable friend, Mr. N. M. Joshi, that the right of the workers to strike is such a sacred one, such an alienable one, and one that is incidental in the industrial structure as we have come to experience in this country, that it cannot be given up by the workers at any cost. But at that time the attempt to stifle that particular right was only a partial one. It was then sought only to declare a general strike to be illegal, and, in fact, particular care was taken to make an exception in the case of all trade disputes. But now the Government of India come forward with a proposal to obtain for themselves and also for the provincial Governments the right to declare any strike, of whatever kind it may be, whether political, economic, or industrial, illegal, although on the pretence that they will try to appoint an arbitration committee or a conciliation board and thus bring about some sort of conciliation. I do not know what sort of conciliation it is going to be. Is it going to be a conciliation that will throttle the workers, or is it going to be a conciliation that will certainly improve the economic conditions of the workers? Whenever in the past attempts were made by labour in this country to ask for a conciliation board or an arbitration committee the Government were very chary and very unwilling to appoint it and tried their best to wait until the workers were thoroughly weakened and demoralised and unionism

[Prof. N. G. Ranga.]

was destroyed. In answer to that Government may say that hereafter, as soon as a particular strike is declared illegal, it becomes incumbent upon them to appoint a conciliation committee.

Sir, what are the functions of this conciliation committee ? Are its findings binding on either of these parties ? No. Then
 1 P.M. what is the use of this committee especially when the strike which is the only weapon in the hands of the workers is already declared illegal. What is the special advantage that the workers are able to derive by losing the only weapon that they have today in their possession ? We know only too well that unionism is not strong enough to enable the workers to bargain with employers on a par, to enable the workers even to carry on negotiations with this Government and get it to intervene at an early stage in their disputes with the employers. And under these circumstances a strike assumes a special importance in this country which is not the case in other countries like England and France where unionism is really very strong and very effective.

Since it becomes possible for Government to declare a strike illegal even long before it actually takes place, what will be the effect on the working classes of this country and upon the workers who are definitely and directly involved in that particular trade dispute. They naturally cease to have any interest in unionism and in the lead given by their own leaders. They are assured that this conciliation board or arbitration committee is going to settle the whole thing. We do not know how it is going to settle it. Nobody knows what sort of committees are going to come into existence but while it goes on discussing it, the ' unionist ' life of the workers is demoralised. They no longer have any chance of taking back to this instrument or weapon of strike, once the two months are over and the employers refuse to accept the decision or the recommendations made by the conciliation board. What is to happen after these two months are over and the employers are adamant in their demands and refuse to accept the decision of the conciliation board ? Are the workers to start their strike or not ? If they want to strike, will it be possible for them to start the strike just as effectively and enthusiastically as they would have done if the strike in the first instance had not been declared illegal. It would certainly be impossible for them because they have lost their confidence in their leaders. They have given up their union life and they are likely to be told by the conciliation officers who are to be appointed that they stand to gain very little from these unions and they can gain everything by pursuing the so-called policy of conciliation or arbitration. Therefore, the real object of this legislation as it strikes me and the workers of this country is to prevent the development of unionism in this country, to prevent the development of confidence of the workers in their leaders and to prevent the hold of the trade union leaders on the working classes of this country.

The other objective of the Government in making this move seems to me to prevent the working classes of this country from ever being able to exercise their right to strike even if they were forced to go on strike under extreme conditions of life. How will it be possible for the workers even to think of strike if they were to know in advance that these conciliation officers are going to function as spies and inform the Government that the workers are thinking of going on strike and that,

therefore, Government should anticipate their decision by declaring their intention to strike illegal and thus make it impossible for the workers to discuss and decide whether they should have a strike or not in any particular workshop or in any particular industry? It would hereafter be impossible for the workers of this country even to dream of a strike because even the dream will be penalised by this particular clause No. 8. As all my Muhammadan brethren know, 8, 18, 3 and 13 are just the numbers to be avoided. I do not know whether we should accept this as a general rule to guide our activities in life but here it looks as if Providence itself has come to the rescue of the Government in choosing this number for this dangerous clause and if not for anything else, at least for the fact that this clause contains this very dangerous power intended to be given to the State, the working classes of this country are justified in strenuously opposing the clause as a whole.

Then we are told that if we throw this out, the old Act with its equally obnoxious clause 16 will come back. So we are asked to choose between clause 16 of the old Act and clause 8 of this particular Bill. This is the way in which this Government has always tried to have its own way, to manage its own affairs and to mismanage the affairs of others. They come with one bowl of poison in one hand and another bowl of doubtful nectar in the other and then say 'You drink the poison first and if you outlive that, then you will be able to get the bowl of nectar'. When they brought the Trade Disputes Bill before this House they said 'You can have the trade disputes machinery if you have clause 16' and the House had to agree to it. This time also they want to follow the same method. They come here and say 'You can have your trade disputes machinery, provided you agree in the first instance to have your right to strike destroyed and to be declared illegal either by the Provincial or the Central Government'. Are we every time to allow ourselves to be victimised like this? If I am allowed to make a choice between old section 16 and the present clause 8, I am quite prepared to allow this Government to drop this *in toto* and let section 16 stand, for this reason, section 16 is impossible to be implemented unless there is a general strike and when there is a general strike in this country, if the workers were to decide upon it at all, which is a very very rare experience even in the experience of this particular Government of India, they do not care whether their general strike is already declared illegal or is going to be declared illegal. It is a very serious decision that they have to take. Once they have taken it, they are prepared to stand any sort of consequence.

Workers who are in a dangerous mood and who have great stakes to lose in a general strike, do not mind whether there is a section 16 here in one of the Acts, for the Government of India to declare such strikes illegal. They will carry on a general strike. Why do they want a general strike declared, and when do they want to declare it? Not in a light-hearted fashion, nor on every day and on every occasion. They declare it only once in a while, when they are absolutely desperate, and when they find that piecemeal strikes in different parts of the country, in different mills and workshops are of no use, have not yielded good results, when they are thoroughly disappointed with the attitude of the Government and when they are thoroughly disgusted at the manner in which the Government manages these labour problems; and under those circumstances it is not at all a fearful thing to have a section 16 here. Sir, how many

[Prof. N. G. Ranga.]

such general strikes have there been in this country ? Only one, in 1929 !

Mr. N. M. Joshi (Nominated Non-Official) : Where was there a general strike in India ?

Prof. N. G. Ranga : Only on one railway—the South Indian Railway.

Mr. N. M. Joshi : That was not a general strike.

Prof. N. G. Ranga : Now there was another strike which was called a general strike in Bombay but that was not also a general strike, strictly speaking. Therefore, my Honourable friend, Mr. Joshi, is correct in saying that there has not been any general strike in this country up till now. If we turn our attention to Great Britain, the home of trade unionism or the home of the most ancient trade unionism in the world, we find that labour there has embarked upon a general strike only once. Are we then to be so much frightened by this section 16 which is to deal with a situation that cannot ordinarily arise at all ? If it arises, it may arise only once in a blue moon. No, Sir, I am not going to be afraid and that is the considered view of the working classes in this country. Of course they resent this section 16. They do not at all want this on the Statute-book of this country, and they will take the earliest possible opportunity, whenever they have a chance of getting rid of it, to see that this particular section 16 is absolutely done away with. But till then they are quite content to let it remain where it is and not accept in its place a clause 8 whose conciliation machinery is of doubtful value and whose attempt to stifle their right to strike is really a very dangerous thing and fraught with serious consequences to themselves.

Then, Sir, I come to the conciliation officers. It is rather difficult to say outright that nobody wants conciliation officers in this country. But when such a proposal comes from this Government, it is very difficult indeed for anybody not to refuse even these conciliation officers. Who are going to be these conciliation officers ? We had some experience of that in Bombay. Sir, these officers appointed by the Bombay Government are Government servants. They are I. C. S. officers, supposed to have had some labour leanings. God alone knows what is the sort of labour leanings,—whether it is in the way of creating family disputes or in seeking to prevent them striking, or creating an adverse propaganda among the workers against their own leaders, or creating a sedition in the labour ranks against their own labour unions, and even those unions on which my Honourable friend, Mr. Joshi, serves !

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Why do you allow that sort of thing to go on in this country ?

Prof. N. G. Ranga : Anyhow, these conciliation officers, apart from other things.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can resume his speech after Lunch.

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.

Prof. N. G. Ranga : Mr. Deputy President, I was saying when we dispersed for lunch that clause No. 8 is not at all in favour of the workers and it seeks to destroy their only fundamental right to strike and it is in no way an improvement as far as the workers are concerned over the earlier section 16 which it seeks to replace. In saying that I wish to state in support of that plea that if Government were really anxious to establish industrial peace in this country what they ought to do is to accept the recommendation of the Royal Commission on Labour and establish standing conciliation machinery to start with. That recommendation was made several years ago and no action has been taken on it. Again and again my Honourable friends, Mr. Joshi and Mr. Giri, used to press upon the attention of the Government the need for the establishment of this conciliation machinery but Government has so far failed to establish it. Now, to come forward and say that we should accept, in its place, only the appointment of a conciliation officer is really not reasonable to say the least. In England such conciliation machinery has been working for a pretty long period and that quite satisfactorily. The Balfour Committee which made a survey of industrial relations stated that in the field of conciliation and arbitration the Councils have played an important part in assisting the industries to settle their differences themselves. They proceed to say :

“ Experience has shown that the existence of a Joint Industrial Council on which both sides are constantly in touch and on which there is a regular intercourse between the employers' and the workers' representatives has enabled differences to be dealt with at an early stage and has diminished the opportunity for disputes to arise through lack of understanding.”

If such a machinery had been established in this country, I am sure many of the strikes that had taken place in our country would not have taken place at all and could easily have been avoided. Sir, it is well within the memory of most of the Members of this House that the great Bengal Jute Mill strike had taken place during this year mostly for the purpose of getting rid of the obnoxious Sardars who were acting as the middlemen between themselves and the employers. Such Sardars could easily have been eliminated if only such a conciliation machinery had existed and opportunities were given for employers' and workers' representatives to meet each other, discuss these things and then eliminate such inconveniences that create trouble in their mutual relations. Similarly, in textile mills there are these jobbers and Sardars who also create trouble. Such things could have been avoided and could be avoided even today if such conciliation machinery were appointed.

If it is pleaded by Government and others that these conciliation officers are sought to be appointed and this conciliation machinery is sought to be implemented almost in every strike and in every dispute where a lock-out or a strike is declared illegal, then they ought to consider one other suggestion. In England an attempt has been made to help the workers, especially those who could not be organised so easily and who could not organise themselves so easily, I mean those who are employed in sweated industries,—there, a machinery called the Trade Board is established on which both the employers and the workers are represented. Such a machinery exists not only in England but also in

[Prof. N. G. Ranga.]

Australia and in New Zealand. This machinery has produced very good results. One of the objects that it is expected to serve is to enable the workers to become organisable and to become organised. It is stated to be one of the objects of this Government to help our workers to organise themselves and help them to strengthen their trade unionism in this country. It is admitted by the Royal Commission on Labour. It has gone out of its way to suggest that workers should be granted representation in Legislature in their organisational capacity and not in their individual capacity and the Delimitation Committee had also accepted that and suggested that representation for labour should be given in this Legislature in their organisational capacity. This was done with the object of helping the workers and specially all those who have not recognised the advantages of trade unionism to realise the advantages thereof and to join the unions and thus strengthen the trade unionism in this country. I wish Government had accepted the recommendations of the Delimitation Committee and of the Whitley Commission in regard to this. I suggest that the right thing for the Government to do is to establish these Trade Boards in as many industries as possible, especially in those industries the workers of which ask for their establishment.

Instead of seeking to establish either the joint conciliation machinery or Trade Boards, Government now come forward with these two proposals, namely, to declare any strike or lock-out illegal and to appoint conciliation officers. We cannot accept these proposals even though our workers are placed at a very great disadvantage *vis-a-vis* the employers.

At present the workers are obliged to give 15 days' notice if they are employed in any public utilities and ten days' notice if they are employed in all other industries and in all other walks of life. Without that they cannot go on strike unless they are prepared to lose their wages and jobs also. Sir, according to the existing Act, to go on strike is declared illegal if the workers are employed in public utilities. I object to that very strongly and that for this reason. We can certainly expect workers to give sufficient notice to employers provided the public utilities are nationalised and are properly controlled by the public and also if there is a joint standing conciliation machinery to avoid most of the causes for friction. But at the present time in this country either in the provinces or at the Centre there is no joint standing conciliation machinery. What is more, most of the public utilities are being managed by privately-owned companies and individuals. We have seen what a debacle was enacted only the other day by the Bengal Nagpur Railway strike. There was the Agent who almost became a Nawab unto himself and was able to dictate his own terms. With all the influence that my friend, Mr. Giri, could command and with all the accommodation that the Government Members are supposed to have shown, it became impossible for the workers there to retain even the recognition of their union. What is the good and what is the advantage either for the workers or for the public to be derived by declaring such public utilities as absolutely public and, therefore, any strike occurring therein to be considered as illegal and *ultra vires*. Now, Sir, to make matters worse, Government seek to extend the scope of these public utilities by adding to the present list of public utilities Inland Steam Ships and Vessels. It is adding fuel to fire.

Then, I would like to know what is to happen after this particular period of two months is over. For two months a strike is declared to be illegal. Thereafter, if either of the two parties do not accept the decision of the recommendation of the Arbitration Board or the Arbitration Committee, what is to happen? Is the Government going to declare the recurrence of the strike again illegal? That would be a very dangerous position if Government were to intend to do that. I know in certain quarters it is felt that Government should reserve to itself the right to extend this declaration of illegality beyond this period of two months. I vehemently protest against that. I sincerely hope that even if Government were to be able to proceed with this Bill, they will not contemplate any such thing and they will categorically repudiate any such suggestion or any such intention and assure the House that any strike or lockout is to be declared only once and once for all for a period of two months and never thereafter.

I find that in the various provinces, new provincial ministries have come into power and I am happy to say that a majority of them are manned by representatives of the party to which I have the honour to belong. They have already shown how much they are in favour of labour and how they seek to implement the so-called and much-vaunted impartiality of this Government towards labour. It is a well-known fact that the Congress has declared, in its Karachi session, its readiness to accept the right of workers to strike and also the right of workers to organize themselves into unions. The United Provinces Government have already recognised the trade unions in that province and they have tried their best to bring about a settlement of the very big Cawnpore strike which took place during last month. It is in great contrast with the manner in which this Government has behaved in the past. There, no sooner had the strike taken place, than the Premier, Pandit Govind Ballabh Pant, had run from Lucknow to Cawnpore in order to get into touch with the parties concerned to bring about a settlement. The Labour Minister and all the other members of the Government were busy all the time to bring about a settlement, and that settlement, I can assure you, has been reached in almost a short record space of time. What is more the employers who were so adamant in their refusal to recognise the union were obliged to recognise it and they were obliged to agree to the proposal of the Government that the dispute should be referred to a Conciliation Board. Such is the way, I expect, in which the Congress Ministries are going to deal with labour problems and labour strikes in this country. There were three strikes in Madras, and my Honourable friend, Mr. Giri, has got it to his credit that all these strikes were almost instantaneously settled without any great or grievous loss to the employers themselves because where there is a will there is the way. Therefore, I do not want the Government to hurry with this piece of legislation and thus deprive the various Provincial Ministers of Labour from making their own experiments and gaining their own experience and see how far they can give a lead even to the Government of India in matters of labour legislation. If by any chance the Government were able to take this Bill to the Select Committee, I suggest that they should stay their hands and see that the Select Committee does not meet at least during the course of the year so that the Provincial Ministers will have the chance of gaining experience and giving the benefit of their experience to the Central Government as well as to the House.

[Prof. N. G. Ranga.]

With these suggestions, although I would very much like to oppose the Bill as a whole and prefer to have the Act as it is, obnoxious though it is, I am prepared to make the best of a bad bargain and abide by the decision of this House, if in spite of our protests, the House were to decide in favour of sending the Bill to the Select Committee.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, my Honourable friend, Prof. Ranga, has already stated that in six Provinces the Congress Ministries are functioning and some of them, at any rate, are going to enter upon labour legislation very soon. In fact after the passing of the Government of India Act, 1935, much of the labour legislation logically and necessarily falls to the jurisdiction of the Provincial Governments and I would have been very glad if this Bill had been abandoned altogether and, if after five or ten years, it was found that there was an absolute necessity to co-ordinate the various legislations passed by the Provincial Legislatures, then it would have been in the fitness of things that the Central Government should have come forward, not with an amending Bill of this character, but a consolidating Bill embracing all the aspects of labour legislation. However, inasmuch as this Bill is sought to be gone through and a motion for reference to the Select Committee has been made, I propose to deal with it as briefly as possible on the understanding that any way the Select Committee will not meet this year, but will meet sometime after January, 1938. In the first place, I am glad the Government have recognised their obligation that they must not remain aloof from industrial disputes. I quite remember, a few years ago, in my Province which is I do not say notorious, but known for industrial disputes namely, Bombay, the Home Member then stated that the business of the Government was to keep the ring clear and its concern was mainly to maintain law and order and it had nothing to do with the disputants and unless a requisition was made by the parties to the dispute, it was none of the business of the Government to mediate. But, Sir, things have moved from that position and today we find that, at any rate, since 1929, when the main Trades Disputes Act was passed, the Government have definitely undertaken certain obligations to the community at large to intervene in certain circumstances in labour disputes. When the original Act of 1929 was passed, the main section in that Act, namely, section 16, was passed immediately after the general strike in England, in 1926, and if you were to refer to the speeches during the passage of that Act you will find that the main object was to secure protection for the community in case the strike was undertaken, not for a *bona fide* trade dispute, but for the furtherance of some political object and there was severe, general and prolonged hardship caused to the community. At that time there was a big strike in Bombay and it was a sympathetic strike. It was not a general strike in fact, as far as I am able to see, I agree with my Honourable friend, Mr. Joshi, that there has been no general strike in India. The strike in 1928 was merely a sympathetic strike covering only one industry, namely, the textile industry and in Bombay only. That kind of strike was not in the mind of the Government when it passed section 16 of the Trade Disputes Act of 1929. Therefore, to come now and say that it is necessary to embody a clause like clause 8 in the light of experience, because the old section has failed, is illogical, in my humble opinion. The object of the old Act of 1929 was to prevent political strikes. The object of the

amending Bill, and particularly of clause 8, is to prevent any kind of strike which is likely to cause or has caused severe prolonged injury to any section of the community. In other words, these are two different principles. If the object of the 1929 Act was to prevent political strikes the object of the present clause 8 is to prevent any kind of strike ; in other words, to deprive the workers of their right to combined action and the fundamental right to strike. This is not the opinion of an individual like myself, but if you were to see the opinions and specially the opinion of the Government of Bombay, you will find that that Government has not taken very kindly to this measure.

Now at this stage it would be worth while to examine what has been the effect of the working of this Act from 1929 up to 1936. If it was the object, firstly, to stop political strikes and secondly, to intervene in industrial disputes, how much has it been able to achieve for Government in that direction during that period ? If one were to take the number of strikes one finds from the Bulletin issued by the Department of Industries, No. 62, that during this period there have been nearly 1,159 strikes, and only in five cases did Government think fit to bring into operation the machinery that had been contemplated in the old Act. And in all these five cases although the result has not been very satisfactory, it has been able to achieve something like satisfaction at least for some of the parties, if not all the parties concerned in the disputes. Why was it that that Act has failed to achieve industrial peace ? It was because in the first place the machinery that is contemplated there is to be brought into operation not at the initial stages, not with a view to prevent the strikes or labour disputes, but at a stage when the strike or the dispute has assumed grave proportions ; and in the second place, whatever may be the result of the inquiry or the arbitration there is no provision in the old Act, just as there is no provision in the present amending Bill, that the award or finding would be binding on either the employers or the employees. So long as that is not there, no machinery that is calculated to be brought into operation, after the strike has started, is going to be crowned with success at all. Therefore, we must look to a more radical solution of this problem.

Then, Sir, in the present Bill it has been pointed out that although clause 8 is wide enough to embrace any kind of strike, there is simultaneously a remedy provided for for compulsory arbitration, although in an indirect manner. As soon as a strike is declared illegal under the proviso, the machinery comes into operation :

" Provided that no such notification shall be issued unless on or before the date of issue the Governor General in Council or the Local Government, as the case may be, has made an order under section 3 referring the trade dispute in question to a Court of Inquiry or a Board of Conciliation."

So, unless that is appointed no strike can be declared illegal. But will it serve the purpose of securing industrial peace ? That is the test by which I propose to test the utility or futility of this measure. What will happen ? As the clause stands it embraces every kind of strike. Strikes are not undertaken for any wanton cause ; they originate in some sound economic dispute. To begin with, the position will be like this that the strike in its initial stage is undertaken on a specific economic grievance which is sound and legal. Then when the workers assume strength they organise the strike. Government keeps clear and then it finds that it is going to inflict some injury on some section. There is no

[Mr. N. V. Gadgil.]

strike which will not inflict some injury on somebody. To start with, the strike will inflict injury, in the first place, on the workers themselves, and, in second place, on the employers or the industry concerned. So you cannot contemplate any strike which will not cause injury to somebody. Therefore, in that way, if the Government is so minded it can stop all kinds of strikes. But let us assume that the Government is going to interpret the rules in a liberal manner and the strike is allowed to continue. It continues for some time, it being legal in its initial stages. What happens ? As I have stated, the workers organise ; they are in a position to achieve success and redress at the hands of the employers. And if the Government has a bias for the industry, immediately the Government will come on the spot and declare the strike to be illegal and appoint at the same time its arbitrating machinery. What will be the position of the workers themselves ? In the first place, the workers will be absolutely leaderless ; no leader can come and ask them to continue the strike, because it has been declared illegal. Where is the guidance for them ? What are they to do ? Is it binding on the employer under the provisions of clause 8 that as soon as a strike is declared illegal the employer must take back all the strikers irrespective of the finding of the arbitration board or the court of inquiry, whatever may be the case ? The strikers will be in their own houses, the industry will have been closed down, and the arbitration machinery will continue to work. Then, after the lapse of two months, let us assume that the court of inquiry or the board of arbitration is not able to complete its inquiry and give its conclusions. What then ? The strike becomes automatically legal but by that time the strength of the strikers has absolutely fizzled out. That is the intention, at least that is the accusation made by the various trade unions who have given their opinions when this Bill was circulated for public opinion ; and there is some truth in it. If, Sir, you were to find the genesis of this amending Bill, you will find that from time to time the Mill-owners' Association and the Merchants' Chamber of Bombay have been writing to the Government of India to have some amending Bill so as to introduce intimidation and picketing clauses in the Trade Disputes Act, so that the power of the workers may be absolutely curtailed. I do not propose to take the time of the House by reading extensively from these letters which are to be found in paper No. 3. But it seems obviously clear that the cue was taken from the various suggestions made by the Millowners' Association and other industrialists of Bombay. And especially after the decision in the case of labour leaders in the strike of 1934 when there was a sympathetic strike in the month of May in Bombay and some of the leaders of the workers were prosecuted under section 16 of the Trade Disputes Act of 1929,—they were acquitted by the Chief Presidency Magistrate,—there was an appeal, and in this appeal it was held that the accused committed no offence, because it did not inflict injury on the whole community as such, nor did it compel the Government to do or abstain from doing something and when the Government found that this section was inadequate to deal with such kind of troubles, they have come forward with an amending Bill, and particularly with clause 8 which embraces every kind of strike as I have just stated. It is argued that it is done in the interest of securing industrial peace, but the direct consequence of clause 8 of the Bill is that the power and strength of the workers will be crushed, they will be left leaderless, the position

will be stagnant. Not only that, Sir, if the object of the Government is to secure industrial peace, that object will not also be achieved. That is the considered opinion of the Labour Commissioner with the Government of Bombay. He has described this Bill as an absolutely useless measure,—I think stronger language cannot be used. Therefore, Sir, if this clause is deleted completely, or even if the old section 16 is retained, I shall not be satisfied. I do not know what will be the legal position in the Select Committee if one were to move that the old section 16 should also be deleted.

Mr. N. M. Joshi : That will be quite in order.

Mr. N. V. Gadgil : If that is in order, it will be done. Then, Sir, with regard to the machinery about Conciliation that is contemplated in the new clause 11, it is suggested that conciliation officers will be appointed, but conciliation cannot come when a strike is already on. It must be there, and I agree that in the clause the duties of the conciliation officers are laid down, and they are supposed to prevent or mediate in or settle trade disputes. Although it is good in principle only in the sense that there must be conciliation *ante*-strike as well as *post*-strike, yet it is not the most democratic method. As my friend, Prof. Ranga, pointed out, why not constitute Whitley Councils, why not constitute Permanent Arbitration Boards? He has given illustrations from other countries, but I shall give an illustration from nearer home :

“ In Ahmedabad ”,—I am reading from *Bulletin 62, published by the Industries Department*—“ the permanent Arbitration Board has existed since 1920. It consists of one nominee each of the Millowners' Association and the Ahmedabad Labour Union, but before any matters are referred to it, these bodies endeavour to reach an amicable settlement.”

Now, I ask, Sir, why should not this method be copied? Why should there be always a bias for appointing a Government official for conciliation work? Why not make the workers feel that they are as wise in settling disputes as they have been hitherto vigorous in conducting strikes. That will create a sense of responsibility among the workers if you appoint Conciliation Boards just as you are trying to appoint Conciliation officers in specified areas, for specified purposes, and for specific industries, in fact for every section of the industry. So that, before any strike is undertaken, the workers and the employers will come together before this Arbitration Board and try to settle the matter. In fact, in this connection, I may refer to certain mediation rules that were suggested by the Millowners' Association before the Court of Inquiry that was appointed in 1929. Those certain rules have been recommended, and there the machinery is this. There are three stages contemplated. At every stage there is joint consultation, and if at one stage the joint consultation fails, then there is the Arbitration Board, and if that fails, there is another, and ultimately, if there is no solution of the problem, then each party is at liberty to have its own way. Therefore, Sir, the chief point I wish to urge is this. I agree that conciliation must be before a strike takes place. For petty things strikes should not be undertaken as they are undertaken in some cases, but if the conciliation machinery is there in which the labour has a voice equal to that of the employers of the industry, I am certain that 50 or even 60 per cent. of the strikes will not materialise at all. That should be the object of the Government. There is no use of appointing merely a Government official, because then there will be the accusation of the

[Mr. N. V. Gadgil.]

Labour Unions against such appointment. Their accusation has all along been, and there is some justification for it so far as the experience of the Bombay Labour officer is concerned, that these officers if not directly but indirectly so act as to affect the influence of the leaders over their followers. The intention of the Government, according to them, is to substitute this labour officer for their leaders. That should not be the case. If the intention of the Government is to organize workers, then the Government must take as many people from the ranks of the workers as they can into their confidence, and not force on them anything from above ; if anything, it must come from below.

Then, Sir, there are other minor points about the public utility services. I agree with Mr. Joshi when he suggested that protection should not be given to such public utility concerns if they are privately owned.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Then you want them for limited concerns ?

Prof. N. G. Ranga : State-managed ; otherwise don't give them protection.

Mr. N. V. Gadgil : That is all I have to say, Sir.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I find that at this stage when the Bill is going to be referred to a Select Committee, an elaborate discussion on this measure has taken place, but since the discussion has started,—and most of the discussion has been on behalf of labour,—I consider it my duty to say a few words on behalf of the small employer. I find from the draft Bill which is before me that the Government will acquire some executive power if this measure is passed into an Act. The Government of India in certain cases and the Provincial Governments in others will be the guardian angels of employers as well as the employed. The Governments will arm themselves with very wide powers to interfere or meddle in any disputes that may arise not only between an employer and a labourer, but also between an employer and an employer and between a labourer and a labourer if they are satisfied that the community at large or even a small section of it is suffering great and serious hardships.

Sir, already I have heard it stated on behalf of labour that even though the legislation be unobjectionable the people who will work it will not be of the proper type. I believe something was said about the province of Bombay that the persons who will work this measure will not be of the proper type. Apart from considerations about personality which it is useless to discuss here because in this modern world, particularly today, we not only in this country but throughout the world have forgotten the cardinal basis on which society is based, that is, the moral sanction. Every country throughout the world, including this our country, is losing in morality. Everybody is thinking in terms of himself only. That is the principal ailment which is troubling us. However, in a discussion of this Bill I may be told that this high discussion is useless. I only mentioned it as a side-thought just to impress upon the House that the measure with which it is proceeding is only half measure and it must necessarily be half-hearted. If we go on giving the State more and more powers to interfere in business,

in relations between man and man, I am quite sure that the logician will tell you that the ultimate end is communism, which was tried in Russia and which we are told is already beginning to fail. But, apart from those bigger considerations, my first objection to this Bill is that the Government have tried to arm themselves with too wide powers. If it is considered necessary in the interests of the community at large or in the interests of employers or in the interests of labourers to have some control over disputes, then it ought to be a very limited power and the Bill must specify in greater detail the occasions on which those powers will be used. Take the power to declare a strike illegal. Most of the Members will agree with me, and I think all the Members of the House are aware, that legislations of this kind are undertaken in the interests of the big foreign capitalists and also the big Indian capitalists of Bombay and other places and mainly with a political intention. So far as the political intention is concerned, I, standing on the floor of this House, on this side, enter my strong and emphatic protest. If the intention is simply to quell disputes, I, on behalf of the small Indian employer of labour such as in tea districts, do object because such a legislation, instead of helping the employer, puts him in a very unenviable position. Advantage of the provision is always taken of by the big employer particularly. Probably most Members of the House have heard of the greatest tea labour strike of the year 1921. It was called a Tea Exodus. European gardens were vacated by the labourers but not the Indian-owned ones. And why? It was due to the human element, the human relation, the personal relations, that exist between the Indian manager and the labourers as against that between the European manager and the labourers. Indeed in only one Indian-owned tea garden the labourers left. When the labourers were confronted at the Railway station by the Managing Director they said that their grievance was that the Manager Babu donned a hat and played the saheb. Therefore, on behalf of the small employer I say that we do not want this legislation and he would be much better without this legislation.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Mr. Griffiths.

Some Honourable Members : This is his maiden speech !

Mr. P. J. Griffiths (Assam : European) : This is the first occasion on which I have had the privilege of addressing this House as a non-official although, I cannot accept the description of my speech, as a maiden speech, which has just been used. But if I may parody that phrase I may refer to it as my spinster like speech. (Laughter.) It is a matter of some regret to me that on this occasion of my first non-official speech I should find myself compelled to oppose a Government Bill and to oppose that Bill not on some trifling ground of expediency, but because we, in the European Group, consider the fundamental principle of the main clause of the Bill to be radically unsound. We consider that principle unsound because if it is accepted it would confer an unjustifiable and arbitrary power upon the Government, a power which in our view should not be given to any Government whatever except in circumstances of the greatest emergency.

[Mr. P. J. Griffiths.]

I do not propose at this stage to make a detailed analysis of the Bill, but shall confine myself to calling your attention to its three main objects. First, it proposes to give certain powers to Government to declare strikes temporarily illegal. Secondly, it proposes to repeal the section under which some strikes are in themselves illegal; and thirdly, it sets up, though in a somewhat vague and inchoate way, a machinery of conciliation. As regards the first two of these objects we in this Group are radically opposed to them. As regards the third object we are in full sympathy with its purpose but we do not feel that the Bill, as it is at present drafted, implements that purpose. Let me take, first, the question of the power to declare strikes illegal for two months. I should like to call your attention at the outset to the fact that this power is of an entirely new kind in this country. Under our present legislation some strikes are indeed in themselves illegal, but it rests with the courts to examine any particular case and to decide whether in that case the conditions of illegality have been fulfilled. The effect of the present proposal is to transfer from the courts to the executive a very dangerous power and we, in this Group, stand for the fundamental proposition that powers of this nature must rest with the courts and not with the executive Government. During these last few months we have heard a great deal from Honourable Members opposite about what the Lord Chief Justice has called the New Despotism. We have been told that bureaucracy is gradually encroaching upon the domain of the courts. Could there be a worse example of encroachment upon the domains of the courts than this attempt to transfer functions of a quasi-judicial nature from the courts to the executive.

Then, Sir, we come to the question as to what kind of strikes can be dealt with under this particular provision and, when we turn to the wording of the section, we find it is rather wide: any trade dispute which is causing or is likely to cause serious and prolonged injury or hardship to the community or any section of the community or to employers or workmen generally or to any class of employers or workmen, anything which may cause hardship to almost anybody is covered. For my own part, I find it very difficult to imagine any strike which could not reasonably fall within this definition. If that is the intention of the Bill, let us at least be frank about it. Let us have in place of the existing clause a clause which will say that the Local Government shall be empowered to declare any strike illegal for a period of two months. After all, we have to face the fact that the strike is a normal occurrence in modern industrial life. It is an essential principle that special and drastic powers can only be given to Government to deal with particular emergencies and not to deal with what may be regarded as a normal occurrence. I know that we have on the Statute-book now—and we have heard a great deal about it from my Honourable friends opposite, laws which have been characterised as repressive. But at least my Honourable friends would admit this that the object of that legislation was to deal with people who either were committing, or, according to the view of the Government (which my friends may say was mistaken), were about to commit crimes against the State.

Everything in that legislation was intended to deal with the commission of or the intention to commit a crime against the State and there can be no analogy between emergency legislation meant to deal with subversive movements and legislation of the type which is now before us, meant to deal with the perfectly normal occurrence of a trade dispute between the employer and the employee. I think, I can safely assume that nobody in this House, and I hope nobody outside this House in India today wishes to deny the perfectly natural and moral right to strike. But for the weapon of strike it is perfectly clear that industrial organisation in England would never have reached its present high state of efficiency and what has been accomplished in England can be accomplished in India. We must at all costs preserve this right to strike and preserve it in a form which will be effective and which will not be shorn of its effect by a provision that forsooth you must wait two months after Government have chosen to step in. What, after all, is the purpose of this proposed waiting for two months. Its object apparently is that Government can set in motion the machinery of conciliation courts and conciliation boards. But the average strike is brewing for a very considerable time before it actually starts and there is no reason in the world to prevent Government, under the present Trade Disputes Act, from invoking that machinery of conciliation boards and conciliation courts at an earlier stage. It is our belief that if this Bill passes into law, instead of keeping alert and instead of introducing the machinery of conciliation at an early state, there will be a natural tendency for Local Governments to follow the line of least resistance and to wait until the strike has begun before they try and set in motion the machinery of conciliation. One other point in this connection. In England, labour is well organised. The trade unions are strong. They are so strong that to some of us they have at times seemed almost a menace but in spite of their strength and in spite of their sometimes aggressive character, it has not been found necessary in England to have this particular kind of protection against the possibility of strikes. In India, labour is weak, labour is unorganised. Why do we, the public in India, need a degree of protection against strikes which is not found necessary in a country where labour is strong. I submit that if this particular part of the Bill becomes law, every strike will be made an occasion for an attempt to bring political pressure to bear upon Government to get them to have recourse to this particular section. Let me take an example which may perhaps illustrate my purpose. At the time of the Coronation in England, you had a great bus strike in London. The time for the strike was deliberately chosen by the bus men concerned because they thought that they could inflict great hardship on the public and therefore, their employers would have to give in—they, the busmen, would be in a strong and advantageous position. Supposing this particular section had been in force in England, what would have been the position? It was a strike which affected millions of people at a time, when the necessity for transport was greater than at normal times. Literally millions of people were stranded. Thousands had to go on foot. No better time could have been chosen for inflicting what this section calls 'hardship on any section of the community'. Had this section of the Bill been in force in England, I do not see how any

[Mr. P. J. Griffiths.]

Government could possibly have resisted the demand to declare that strike illegal and to prevent those bus-men from making a very reasonable use of the strong position in which they found themselves. It is not difficult to imagine that had such powers existed and had those powers been used, the bus strike might very easily have turned into something very much more serious but by the mercy of Providence no such powers existed and the result was that ultimately a peaceful settlement was reached. This is a first class example of a case in which Government could not have refused to exercise these powers, if it had possessed them and yet in which we can say that the absence of any such power has in the long run worked for a peaceful settlement. It is for these reasons that we in this Group regard this particular part of the Bill as most dangerous. One point I had forgotten. Who are the people who are to judge whether any particular strike is to be dealt with under this section or not? They are the very same people who are charged with the duty of preserving law and order. I say this without any intention of being offensive but it cannot be said that the man who is responsible for preserving law and order will take quite the same impartial view of this question as an outsider. It is not a question of any conscious bias but I think it is perfectly clear that a man who is responsible for keeping law and order in a district will inevitably take a somewhat biased view of any movement of this sort. This applies just as much to Government as to humble officials. We feel, therefore, that this power is a dangerous power to be put into the hands of any Government whatsoever.

Now, I shall touch very briefly upon the second part of the Bill, the part of the Bill which replaces the existing section 16 and here, for one moment, I cannot expect my Honourable friends opposite to be at one with me. We feel that if there is one kind of strike which demands the existence of special powers it is the strike not intended for economic ends. The political strike, let us remember, will not be covered by the proposed clause of the new Bill. If men enter upon a strike for economic reasons, normally they can be held up for two months but, if they enter upon a strike for unjustifiable reasons, which has nothing to do with trade disputes, there is no power whatsoever to deal with that strike at all. You are putting a premium on the political strike as compared with the economic strike.

I should like to say one word about that part of the Bill which proposes to set up machinery for conciliation. We, in this Group, are particularly convinced of the importance of conciliation and of the necessity of framing some kind of legislation which serves that desirable end but when we turn to the Bill as it at present stands, we find very little which would justify the hope that the machinery provided here would serve that very useful purpose. Our strongest criticism of this particular part of the Bill is its delightful vagueness. We are told that it will be the duty of conciliation officers to prevent strikes and settle trade disputes. We are also told in the same clause that the powers and functions of the officers so appointed shall be such as may be prescribed by rules. In other words, the whole sting of the clause will be in the rules. It may be a first-class section, it may be

a thoroughly bad section. Everything will depend upon the drafting of the rules and upon the functions and powers which are devolved on the conciliation officers under the executive orders of the Government. We, in this Group, feel, that the matter is of so much importance, that if powers and functions are to be devolved upon executive officers, we, in this Assembly, should have ample chance of discussing those powers and those functions. It is, therefore, our view, that this particular conciliation section does not adequately meet the case. For all these reasons, Sir, we find ourselves compelled to oppose the Bill. We realize that our opposition may prove fruitless, but, nevertheless, we feel it our duty to state that we regard the fundamental principles of the Bill as being dangerous in the extreme.

Mr. N. M. Joshi : Mr. Deputy President, when last year the motion for the circulation of this Bill was discussed in this House, I expressed my views regarding the principles underlying the various clauses of this measure. On this occasion I do not wish to repeat what I stated last year. I shall content myself with briefly stating what my attitude is towards the main clause of this Bill and I shall briefly deal with one or two points mentioned during the course of the discussion today. Sir, let me assure this House, if any assurance is necessary, that I stand for industrial peace always. I believe that the workers suffer from strikes more than the employers do. If, therefore, the workers resort to a strike at any time, they do so when they find that, without going on strike, they cannot prevent a worsening of their standard of life or they cannot secure any improvement in the conditions of their life and work. Therefore, when the Government of India undertook to enact a measure by which industrial peace might be secured or at least the establishment of industrial peace might be helped, I was willing to co-operate with them at all stages. But, Sir, when this measure was discussed last year, I had to state, as regards clause 8 of that Bill, that that clause may prove hostile to the interests of the working classes of this country. I am in favour of some provision by which Government may be able to secure the postponement of a strike till the Government has had an opportunity of inquiring into the circumstances of that strike. But if such a measure is to be accepted, Government must take the responsibility upon themselves of inquiring into the circumstances of the dispute which is likely to take place if the likelihood of such a dispute is brought to the notice of the Government. Sir, a provision of this kind may be helpful in preventing strikes. Unfortunately, this clause of this Bill falls short in some respects and goes much further in some other respects. Clause 8 of the Bill does not throw on the Government the responsibility of inquiring the circumstances of a dispute which is likely to take place when such likelihood is brought to the notice of Government. It is left to the discretion of the Government to take notice of the warning which may be given to them. It is left to the discretion of Government to set up a machinery for inquiry or not. On the other hand, this Bill gives power to the Government to declare a strike illegal not only before a strike takes place in order that the strike may be prevented, but clause 8 of this Bill gives power to the Government to intervene in a dispute during the course of the existence of that dispute. I feel, Mr. Deputy President, that this power given to the Government to declare a strike illegal, after it has taken place, has great possibilities of danger from the point of view of the working classes. It is not easy for

[Mr. N. M. Joshi.]

the workers to organize a strike. They have to bring together all people and persuade them that, if there is to be an improvement in their conditions of life or if any worsening of their conditions of life is to be prevented, then they must take some action which involves a great risk to them. When the workers take all the trouble to organize a strike and go on strike, then comes the Government to intervene. I feel, Sir, that it is wrong for Government to wait for their intervention till the workers take all the trouble to organize a strike, collect money and do everything that is possible to make the strike successful. If the Government want to intervene, let them intervene before the strike takes place, as soon as it is brought to their notice that there is a likelihood of a dispute taking place. Moreover, Sir, if this power is given to the Government, we fear that the power may be exercised only when the Government finds that, without the intervention of the Government, the workers are likely to be successful. Sir, it is quite possible that there may be some Members here who may have confidence in one particular ministry in one province. There may be others who may have confidence in the ministries of some other parties in some other province. Sir, I am not prepared to put implicit confidence in any ministry which is not a working-class ministry. (Laughter.) I, therefore, do not like this power to be given to the Government to intervene in any dispute after the dispute takes place. I am in favour, as I have stated, of Government intervention, if Government wants to intervene before the strike takes place. It is quite possible that Government may say that some strikes may take place without any notice being given to a Government. It is under those circumstances that Government may have to intervene even after the strike takes place. But, Sir, provision can be made that if it is not brought to the notice of Government that there is a likelihood of a strike, in that case alone Government may intervene after the strike takes place and that too within a limited time after the strike takes place. Mr. Deputy President, the general question of how industrial peace should be established and maintained was discussed by some of my friends. My Honourable friend, Mr. Gadgil, stated that industrial peace may be established by the establishment of Whitley Councils or by the establishment of Arbitration Boards. I do not wish to discuss this general question but I do not feel that by merely establishing Whitley Councils peace will be established in the industry. The machinery of the Whitley Council will certainly be helpful but industrial peace will not be established only by that machinery. Similarly, the arbitration is not also a method which will always help the workers. In the first place, it is not easy to secure arbitrators who will be impartial to workers and in the second place it is wrong to throw the responsibility of enforcing the award of an arbitrator upon an unorganised mass of workers. Therefore, my suggestion is that the workers should organise themselves and Government should provide the machinery by which the justice or the injustice of the cause of the workers or of the employers shall be brought to the notice of the public and it should be left to the parties themselves to decide whether the decisions of the courts of inquiry or conciliation boards should be accepted. When the Government of India passed the Act of 1929 they were perhaps anxious to intervene in industrial disputes for the establishment of industrial peace. Perhaps they thought that the Provincial Governments may be anxious to help the

establishment of industrial peace. Unfortunately, our experience during the last seven or eight years has been that the Provincial Governments are not anxious for the establishment of the industrial peace. Whenever it is brought to the notice of the Governments that there is likelihood of a strike or workers have grievances, the Local Governments have refused to take notice of the warnings given to them. Whenever strikes take place and Governments have been asked to make inquiries into the circumstances of those strikes, they have refused point-blank to set up courts of inquiries or boards of conciliation as provided by the Act of 1929. The Provincial Governments depend more on their powers under section 144 than on the machinery provided by the Act of 1929. If the present machinery has failed, it has not failed on account of the defect of that machinery. It has failed because the Provincial Governments refuse to make use of that machinery. The Provincial Governments believed more in their powers of coercion than in their powers of conciliation.

I was amused by the refreshing tone of the speech of my Honourable friend, Mr. Griffiths. I am glad to welcome him among the ranks of those who advocate the rights of Indian labour. I hope his advocacy of the rights of Indian labour will continue hereafter and will be helpful to us in our cause. But I do not agree with him in some of the statements which he has made. My Honourable friend stated that section 16 of the Act of 1929 provided against political strikes. Sir, I do not agree with that view of section 16 of the Act of 1929. Section 16 of the Act of 1929 is a section of the Trade Disputes Act. If there is a trade dispute, that is, a dispute between employers and workers, then only the provisions of the Trade Disputes Act of 1929 will apply. A political strike declared by the Congress in order to secure the release of political prisoners cannot be dealt with under section 16 of the Trade Disputes Act of 1929 because it will not be a trade dispute. The section may literally apply to such cases but it will be an abuse of that Act to use it for the purpose of preventing a political strike. That Act was passed in order to regulate trade disputes, that is, disputes between the employers and the workers and not disputes between the Government and the subjects of that Government. Therefore, he is wrong in thinking that by the omission of section 16 of 1929 Act the power which Government had enjoyed for putting down political strikes had been taken away. I hold that the power of preventing political strikes never existed and was never given to the Government of India by section 16 of the 1929 Act. If there are people here who want to prevent political strikes, let them bring forward another measure but they cannot deal with political strikes under an Act which is intended to deal with trade disputes.

Sir, I do not wish to take up any more of the time of this House. So far as this measure is concerned, I have already stated that I consider section 8 of the Bill as it is drafted at present as being hostile to the interests of the working classes, but I am not prepared to support my Honourable friend, Mr. Griffiths, in opposing the motion for referring the Bill to a Select Committee. I am prepared to wait and see what the Select Committee does. If the Select Committee improves section 8 and provides a measure for postponing strikes, at the same time providing for a compulsory inquiry, I shall not oppose this measure. But if the clause is kept as it is, I shall have to consider what attitude I should take when the Bill comes here for consideration again next year.

Sir, I support this motion.

J.194LAD

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : Sir, I feel it my duty to oppose this Bill with all the strength that I can command. The trouble that the Bill intends to remove is of comparatively recent origin.

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

Not very long ago, there were days when there were no strikes. There was no clash between capital and labour. But those were days when God Almighty ruled this world. Mammon did not rule this world in those days. This is the age of Mammon worshippers. Government is for Mammon worshippers, mill-owners are for Mammon worshippers and the capitalists are for Mammon worshippers and against all these worshippers of Mammon are ranged poor working, sweating workers who ask for justice, but justice is nowhere.

I see, Sir, that during this materialistic age, this industrial age, the people's inordinate wish to amass wealth is going on rapidly, and Government, instead of curbing this, I should call Satanic desire, have ranged themselves on the side of those who amass wealth. What do we find? During the Great War of 1914 the British Government having been encompassed on all sides by greater powers got millions from the Jews and they made iniquitous promises to establish their home in Palestine and the result is obvious. In India there are millowners, and the millowners are a party in themselves. They want to destroy the power of the weak limb. Why do strikes arise? In this way. A man by the sweat of his brow earns four annas a day and the employer who employs him earns as against this four annas, Rs. 400. The man naturally thinks, 'I want something more for myself'. He is denied that. Then what is the remedy for the poor fellow. If the poor fellow goes to the Government, they say, 'well these millowners, these industrialists, these capitalists are my pets. War may break out again and it will not be you poor fellows who will put money into my coffers, but it would be these industrialists'. Therefore, the Government always show partiality towards the millowners and the employers and the worker goes to the wall. The last remedy left to him is to strike and then the Government come down upon him and say "you have no right to protest against the injustice that is being done to you, your strike shall be proclaimed illegal". This is what I call iniquitous. The Government have no right to call it illegal. Let the two settle the dispute between themselves. The worker does not have recourse to strike because he loves it. The poor fellow cannot earn his bread or get his clothes, he is in a semi-naked and semi-starving condition throughout the year. Why does he go on strike? Because there is no other remedy. Even this much right is denied to him. I, therefore, oppose the Bill. I would have said much, but when I find that an Englishman like Mr. Griffiths comes to plead the cause of India, I think the days of India are.....

An Honourable Member : Numbered !

Maulana Zafar Ali Khan : I do not say numbered, I was delighted to hear the speech, a most clever speech, a most sympathetic speech. If this question of labour and capital, this clash between labour and capital is

looked at from a more sympathetic point of view, I think all our troubles would end.

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : I would like to speak a few words on this motion. Sir, the Bill has been discussed in this House in its various aspects and there is very little left for me. I am not going to waste the time of the House by repeating the arguments which have been put forward by the previous speakers. So, I would confine myself only to one or two points which I think have not been adequately touched. The Bill is going to arm the Government with very dangerous powers so far as the capitalists and the labourers are concerned. I will read to the House the proposed sub-section 2A as embodied in clause 7 of this Bill. It says :

“ When an employer receives from any person employed by him the notice referred to in sub-section (1).....he shall within three days from the receipt.....report the fact to the local Government and if he fails to do so shall be punishable with fine which may extend to Rs. 500.”

Sir, look at the dangerous provision inserted here. Suppose the employer is a Marwari who does not care much for education and things like that. If he receives a notice, he will have to report immediately within three days to the Local Government. What does it mean ? He will have at once to run to a pleader to draft a representation of his and forward the same to the Local Government. If the subject matter of the representation is approved, so far so good. But if information is called for on any further points, he will have to run again to the pleader to draft another representation to the Local Government and all this means money. In whatever field the Government put their hands in, it attracts money from the person involved. It is known to all how notices are served. Even the ordinary peon does not spare anybody when he goes to serve the notice or anything without extracting some money from the person on whom the notice is to be served. In return for this expenditure what does the Government propose to do for the employers ? Nothing. If there is a strike, the Government will at once take steps to declare the strike illegal. If the labourers do not find out what illegality is and if they persist in their demand, the Government will send their police force to coerce them into submission. Then, Sir, the Government will continue this order of illegality for two months. What will the poor employers do ? What will the poor labourers do in the course of this period. Any ordinary strikes the employers can settle quite easily, but if there is any connection of the Government in these strikes the persons concerned would not come to any terms with their employers and will seek for relief at the hands of the Government which their underlings will promise in many other ways although they would not be able to give any.

Mr. President (The Honourable Sir Abdur Rahim) : It being four of 4 P.M. the Clock, the House will now take up the adjournment motion.

MOTION FOR ADJOURNMENT.

AMENDMENT OF INDIAN LEGISLATIVE ASSEMBLY RULES.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

“ That the House do now adjourn.”

[Mr. S. Satyamurti.]

I hope no irrelevant considerations will be brought to bear on this discussion, to baulk the House of its rightful vote on this occasion. Although I plead guilty to being an humble Congressman, I raise this question on behalf of all non-official sections of this House. My first point is that these rules, which form the subject matter of this motion, were made without consulting this House. I suggest,—if I am wrong my Honourable friend, the Law Member, will correct me,—that, normally speaking, Government do consult this House in respect to new rules which they make, even though it may be that on one occasion when they made these new changes of rules governing questions, which I understand are not being welcomed by anybody concerned very much or very happily, they did consult this House, when we were all absent. But they did consult this House, and, this morning and yesterday, they consulted the House on the rule governing motions of privilege. What the effect of the vote of the House will be, I think I can see from the face of the Honourable the Law Member. But that is neither here nor there. They did consult us. My first point is—that in making these rules Government did wrong in not consulting this House as they have been doing. That is the gravamen of my charge against the Government. They ought to have taken this House into confidence, and taken our opinion and come to their own conclusions after considering our opinion.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhamadan Rural) : Did they consult the President ?

Mr. S. Satyamurti : I will come to that.

My next point, Sir, is this. My Honourable friends will kindly turn to section 38 of the Government of India Act, 1935. I may utter a note of warning to my Honourable colleagues. This wretched Act has come into force although the Federation still, according to the Honourable the Law Member, hangs on the lips of an astrologer. May it hang there for all time !—That is my humble prayer. But my point is this. While the fate of Federation hangs in the balance, by some sections of the Act and some Orders in Council, these sections have come into force. And, even according to this section, this is how section 38 reads :

“ Each Chamber of the Federal Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business :

Provided that as regards each Chamber the Governor General shall in his discretion, after consultation with the President or the Speaker, as the case may be, make rules—

“

(d) for prohibiting, save with the consent of the Governor-General in his discretion,”

various things including the asking of questions on various matters on which I will say a word presently.

My second charge against the Government is that, even according to this Act, the future Speaker of the Federal House, your successor in that Chair, will have to be consulted by Government. Government did not consult you,—may I know why ? You were in England, but after all there are air-mails nowadays ; letters go in about a week's time and, if necessary, cables can go. Why were you not consulted ?

Mr. President (The Honourable Sir Abdur Rahim) : As to what passed between Government and myself, I do not know whether the Honourable Member has any information.

Mr. S. Satyamurti : I say you were not consulted ; you may contradict me, if you like.

Sir, my second charge against Government is that even the Honourable the President or the Speaker was not consulted. These words were not put in there lightly ; after all, we have confidence in you, in your judgment, independence, and honesty and zeal for protecting the privileges and the self-respect of the House. Why were you not consulted ?

Then my third charge is that even the Leaders were not consulted. I agree the House was not in session, but why were not my Leader, the Leader of the Opposition, Mr. Aney, Sir Leslie Hudson, Mr. Jinnah, or any of those friends not consulted on this matter ? My first charge is in three categories ; they did not consult the House, they did not consult you, and they did not consult the Leaders of Parties. They went on in their own self-complacency,—I am sorry my Honourable friend who used that word yesterday, is not here.

They may argue that this was urgent and they could not wait. My answer to that is that there was absolutely no urgency whatever. The rules were published in the Gazette of India on the 24th July ; the House was meeting on the 23rd August. They could have well put down a motion on the Order Paper of the 23rd August, taken the opinion of the House, considered it, as they usually consider our opinions, in the evening, and published the rules the next morning, 24th August. Nothing would have been lost by pretending at least to wait for a month, and giving us the honour or the courtesy, empty though it be, of consulting this House. That was not done.

Then, Sir, they may say, that this thing would hang in mid-air and there would be no rules. Will Honourable Members kindly look at sub-section (3) of section 38 of the Government of India Act, 1935 ? That sub-section reads as follows :

“(3) Until rules are made under this section, the rules of procedure and standing orders in force immediately before the establishment of the Federation with respect to the Indian Legislature shall have effect in relation to the Federal Legislature subject to such modifications and adaptations as may be made therein by the Governor General in his discretion.”

Therefore, it is not as if there is an inter-regnum, when there are no rules. These present rules would continue in force, even after the Federation comes and will govern the Federal Legislature. Therefore, there was no contingency or a kind of vacuum, when there would be no rules governing these matters. The rules will continue, until the Governor General may, in his discretion, change those rules.

Then, Sir, with regard to the asking of questions or moving of Resolutions, even the existing rules give ample power to the Governor General. If Honourable Members will kindly turn to rule 8, they will find that no questions can be asked on any matter :

“affecting the relations of His Majesty's Government, or of the Governor General in Council, with any foreign State ;

(ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs

[Mr. S. Satyamurti.]

of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief ; and

(iii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions."

And then there is this provision :

" If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1), the Governor General shall decide the point, and his decision shall be final."

The heavens will not fall, if any of us have the temerity to touch any of their Highnesses or any of the foreign States. The Governor General will come along and say, " You shall not ask that question ", and nobody can raise any point with him ; his decision is final. Similarly, with regard to Resolutions. There are rules under which the power is vested in the Governor General to disallow a Resolution even after you, Sir, have allowed it, on the ground that it cannot be moved consistently with public interest. That also governs adjournment motions, so much so that today there are ample powers vested in the Governor General, and Governor General only, to cover practically all the classes of cases covered by these new rules. Therefore, from any point of view there was no urgency. There was time for them to consult us, and sub-section (3) of section 38 provides for the continuance of these rules, and these existing rules provide for practically all the major contingencies.

Then, Sir, I want to say a word on the merits of these rules themselves. I concede at once that, so far as the rules mainly are concerned, they are consequential on the coming into force of the Government of India Act, when the Federation comes into force. But our existing powers are taken away, in respect of three major matters. We cannot ask any question on any matter connected with the tribal areas or the administration of excluded areas. Today we can ; but before Federation comes, without the consent of the Governor General in his discretion,—we know what it is,—we are not allowed to ask any questions on any tribal area. We cannot ask any question on any matter connected with any Indian State. And last but not least, we cannot ask any question on the personal conduct,—I can understand the rule that we cannot ask any question relating to a Ruler of an Indian State,—but we cannot ask any question even on the personal conduct of any member of a ruling family. He may be a distant cousin of a Ruler of an Indian State ; he comes and misbehaves in Simla ; he attacks me or my friend Mr. Aney ; still we cannot ask any question about him, because he is a member of a ruling family somewhere in India.

An Honourable Member : He or she ?

Mr. S. Satyamurti : If it is she, then I will not complain. (Laughter.)

Then, Sir, they make similar rules with regard to Resolution also.

With regard to Bills, there is a new Rule called Rule 19A which makes a provision that, even if I want to move an amendment to a Bill. I must fix to the amendment the previous sanction of the Governor General if that amendment requires such previous sanction. That, Sir,

is one of those matters on which your advice will have been valuable to them. There is the Standing Order 46, under which I can move an amendment on two days' notice; and I am asked, if I want to move an amendment, within these two days to get the consent of the Governor General to move such an amendment. I do not know how it is done by the Government,—they can do it in two hours, but, so far as we are concerned, I do not think it would be possible to get the consent of the Governor General within that short period.....

The Honourable Sir Nripendra Sircar (Law Member) : Have you tried it ?

Mr. S. Satyamurti : I dare not. I know you too well. But I suggest, Sir, that there ought to be some *via media* on this matter, and we ought to be able to evolve some formula by which amendments within the scope of the Bill which has been given previous sanction need not come within the mischief of this rule.....

Mr. President (The Honourable Sir Abdur Rahim) : What is the rule the Honourable Member is referring to ?

Mr. S. Satyamurti : I am referring to proposed Rule 19A.

Then, Sir, there is only one other matter, on which I should like to say something. They have now substituted a new rule on the functions of the Public Accounts Committee. As a matter of fact, when this rule was being made, the Public Accounts Committee was in session in Simla. We were sitting from the 19th of last month. We knew nothing about it until we saw it in the Gazette. This was a statutory Committee sitting in Simla day after day from 11 to 5,—and yet the Government did not tell us a word about it. I do not know why. Surely we know what is good or bad for us, but why don't you extend to us even the ordinary courtesy in this matter of consulting us ? You talk of co-operation, good-will and so forth, but when it comes to a test, you always treat us as if we do not exist, as if you have all the monopoly of wisdom, of knowledge, statesmanship, and what not. I do suggest, Sir, that Government must show some more understanding of human nature, and of Indian human nature.

Then, Sir, I merely want to make two points. The existing rule says that the Public Accounts Committee shall have the right to examine whether the money has been spent "within the scope of the demand", and a previous Auditor General has given us a good pamphlet which, I think, has formed a good guide to the Public Accounts Committee proceedings, and under the Chairmanship of my friend, the Finance Member, and his Deputy, Mr. Nixon, on the whole, we have tried to enlarge our functions. I was assured in the Public Accounts Committee that this rule contemplated no limit on our functions, but the real wording of the rule gives room for suspicion.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's time is up.

Mr. S. Satyamurti : I shall finish in one minute, Sir.

Similarly, Sir, they have taken away the power, and the duty of the Committee 'to bring to the notice of the Assembly certain matters'. I, therefore, suggest that, on the ground of not consulting the House, on the ground of there being no urgency, on the ground of merits, and on the ground of their having taken away some of the existing powers,

[Mr. S. Satyamurti.]

this Government deserves censure ; and I request the House to vote unanimously in favour of this motion.

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

“ That the House do now adjourn.”

Lieut.-Colonel A. E. B. Parsons (Secretary, External Affairs Department) : The Honourable the Mover, Sir, has devoted most of his arguments to the legal side of the question, and his complaint is that this House has not been consulted. I will leave that part of his argument to be dealt with by more competent hands, but all I wish to try and convince the House is that, from a practical point of view, the amendment of these Rules has resulted in an advantage to the House in enlarging the scope of its discussions. I shall confine myself to those two subjects with which I myself have to deal mostly in the Government of India, that is to say, the discussion of matters which affect foreign States and of matters which affect tribal areas. As to foreign States, if Honourable Members will look at the old Rules, they will see that discussion of those matters or questions about those matters are absolutely prohibited. The effect of the new rules is that, with the consent of His Excellency the Viceroy, they now can be discussed by this House. In this respect, then, the powers of the House have been enlarged. The Honourable the Mover has not mentioned, I think, specifically the question of tribal areas, but I imagine that other Honourable Members would wish to discuss this question. The administration of tribal areas has been under the Governor General and though this House is not responsible for the administration of those areas, it has been the consistent policy of the Government to keep this House informed of broad trends of policy and of the more important events that happen in them. Accordingly, during the last 15 years, this House has been given the greatest possible freedom of discussion....

Mr. B. Das (Orissa Division : Non-Muhammadan) : How generous !

Lieut.-Colonel A. E. B. Parsons : and with the coming of Federation...

An Honourable Member : Question !

Another Honourable Member : When ? (Laughter.)

Lieut.-Colonel A. E. B. Parsons : With the coming of Federation the position is changed, and under the new Act, as this House is aware, after the Federation comes, these areas will be administered by the Governor General in his discretion.....

Mr. S. Satyamurti : After the Federation ?

Lieut.-Colonel A. E. B. Parsons : Yes. I am coming to that part. Well, it was considered by the Government of India that for this very short period....

Mr. S. Satyamurti : Are you an astrologer ? (Laughter.)

Lieut.-Colonel A. E. B. Parsons : For this very short period before Federation comes in, it would be advisable to bring in such rules as would cover the transitional period also, although it is admitted that during this transitional period the administration of these areas remains under the

control of the Governor General in Council, and for these reasons the Government of India decided to bring in rules which would be final once and for all. Now, under the old Rules, as I have explained, more as a matter of grace than as a matter of right, opportunity for asking questions and discussion on tribal areas is given to this House. Under the new Rules, that power of asking questions is limited by the consent of His Excellency the Viceroy....

Mr. S. Satyamurti : That is also as a matter of grace ?

Lieut.-Colonel A. E. B. Parsons : Not as a matter of grace. You now have got a clear right, instead of a concession, a secured right to discuss matters where you had none before. However, I am authorised by His Excellency the Viceroy to make this assurance that during the transitional period he does not contemplate in fact refusing his consent unless in any particular case the circumstances are such that a question or Resolution of the Government could not, in his judgment, be asked or moved without detriment to the public interest.

An Honourable Member : What is the definition of public interest ?

Lieut.-Colonel A. E. B. Parsons : I think that the House ought to be satisfied with His Excellency's assurance. So, even in this matter of tribal areas I do not think that this House has suffered any diminution of its powers. I submit, therefore, that this House should welcome the amendment of the rules in these two particular instances which are now being carried out. That is the practical point of view, but I doubt if it will carry much conviction with Honourable Members opposite.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : It is my bounden duty to join my voice with that of my Honourable friend, Mr. Satyamurti. When I was out, when I had not entered this Hall, my friends used to tell me, " Well, go to the Council because there you will be free to give expression to your views in as strong a language as you can command.... "

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : Who was that friend ?

Maulana Zafar Ali Khan : Friends like yourself. (Laughter.) " So long as you are out and a journalist ", they said, " Look here, Maulana Sahib, the sword of Damocles is hanging over your devoted head in the shape of the Press Act, and if you utter a word against the British Government, you will be clapped into jail for twenty years. So, instead of remaining out and doing your journalistic work, come into the Council ". I had a foretaste of the liberty that I enjoy in this Council, yesterday. A very slight expression of my resentment evoked a storm of protest from the powers that be. The Honourable the President knows perfectly well that I have great admiration for his powers of head and heart, and I think that he is a worthy successor of a line of Speakers who have held the standard of liberty aloft so far as liberty within this Hall is concerned, and I am not a whit behind any of my Honourable friends here in doing homage to him. But where are the powers of liberty in this Hall ? Very little. I think so far as the Federation is concerned which is coming, Mr. Satyamurti ought to have used a happier simile. I was told that in the Hindu mythology there is a very interesting personality. The name of this

[Maulana Zafar Ali Khan.]

person is Trisanku. He happened to displease the Mahadev and the Mahadev convicted him to hang between the earth and the heaven till doomsday. (Laughter.) So, like Minerva of the Greeks of old he is hanging "midway between the earth and starry heaven" as Illiad tells us. I hope that this Trisanku of Federation will hang midway between the earth and starry heaven. So far as this Assembly is concerned, we have got 98 per cent. of safeguards and two per cent. of responsibilities. Those two per cent. responsibilities that have been doled out to us they want to take away one by one, one by one, till nothing is left to us. The Viceroy wants more powers, the Governor General wants more powers. One wants to add to his privileges, the other wants one more string to his bow. We must fight tooth and nail to keep intact such powers as we have, and, therefore, I support the motion. I will call upon all those who sit on this side and also those who sit in the opposite wing—I know that their hearts are on our side. Their lips may be on the side of the officials but their hearts are with us. I hope that once at least their conscience will win and that they will raise their hands....

An Honourable Member : No. Go with us into the Lobby.

Maulana Zafar Ali Khan : .. in support of the motion. I submit that Government deserve censure on this point.

Mr. Abdul Qaiyum (North-West Frontier Province : General) : A very strong and forceful appeal was addressed by my Honourable friend, Maulana Zafar Ali Khan, to the conscience of some of the Honourable Members on the other side of the House. I am sure that if that appeal had been addressed yesterday when a similar matter was being discussed on the floor of this House it would have had a very good effect and some people would not have voted on the side of the Government,—those who are appealing today to the conscience of others should realise that they at least had the honesty to stand by their side. Sir, I will only say a few words about these new rules. There is no denying the fact that under the new Government of India Act we have absolutely no say in foreign affairs, over finance, the army, and the tribal areas ; and our rights have been considerably curtailed. We cannot force the authorities to act in a manner which we consider to be in the true interests of this country of ours. But we did not expect that even before the actual introduction of the Federation, rules would be framed without consulting this House, without any attempt to find out the wishes of the House,—rules which will take away the very limited right which we have enjoyed so far, namely, the right of criticism—the right to criticise and to influence the officials to do certain acts which we consider necessary in the interests of our people. These rules constitute a very great curtailment of our rights, especially in one direction to which I will presently refer, namely, that mentioned in rule 23 (2) (b)—matters connected with the tribal areas or the administration of any excluded area. It will be noticed that the restriction applies to questions, resolutions and also to adjournment motions because under the old rules, rule 12, adjournment motions are also subject to the same limitations to which resolutions are subject. So, the present rules aim at curtailing our right to put questions, to move resolutions or to move adjournment motions on certain very important questions, such as foreign

affairs, excluded areas, tribal areas, princes, and even members of their families. There is one aspect of it, and that is in respect of the tribal areas, where I think the curtailment of this particular right of ours to criticise the actions of the Government is going to do very serious harm and very grave damage to the true cause of India. People on this side of the Indus have absolutely no idea of what is being done in the tribal areas. There you have Colonels and Generals, Majors and Captains who are absolutely supreme, whose word is law, who can never brook or tolerate criticism. This state of affairs prevails not only in the tribal area but, I should say, also in the Frontier Province. This military junta is supreme and they can do anything they like. You will be surprised to hear that the word 'political' has become an abuse in our language. When people talk among themselves they say in Pushto "*Poltikali Kae*," meaning 'You are cheating me, you are deceiving me, you are doing me down'. All the taxes which the toiling millions pay in this country, the money which we make and which we have subsequently to part with after incessant toiling, these go into the Treasury and a very great part of it is passed on to this military junta, and spent in any manner they like. They can involve you in a war with the tribes and I assure you that ever since the British set foot on the soil of the Frontier Province, these military gentlemen have been supreme and they have been embroiling the people in meaningless and foolish war with the Tribes. We have got no aggressive designs over the tribal area. Waziristan is absolutely useless to us. We can live in peace and amity with the Afridis, Wazirs, the Mohmands and the Mahsuds but these gentlemen must have a training ground for their armies for Imperial purposes. It is a sort of "Shikar" which is going on from year to year. Innocent people are being killed and butchered. Bombs are being showered on them from the air and defenceless people who have absolutely nothing but worthless rifles....

Lieut.-Colonel A. E. B. Parsons : Very good rifles.....

Mr. Abdul Qaiyum :.. are being killed. There has been an instance where people—I have been told this recently when I was touring in the Bannu District, in a village in the British area in the North-West Frontier Province administered by Government—were killed and, I think, the rest of the world did not hear anything about it, because the Associated Press in the Frontier Province is absolutely controlled by the military junta in the Frontier Province.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) : What is the name of the village ?

Mr. Abdul Qaiyum : I do not remember the name but I got it from a very responsible person.

Lieut.-Colonel A. E. B. Parsons : Might I be informed of the name of the responsible person ?

Mr. Abdul Qaiyum : I submit that this military junta is very powerful. They can embroil us in war and the Frontier is being used as a training ground for the British army. These wars are intended to give employment to British Captains and Majors who would otherwise not be able to earn even one pound a month in England. These people go about in Rolls Royces, have wonderful dances in the clubs and lead a life of luxury, while our people hungrily stare at them. These wars are

[Mr. Abdul Qaiyum.]

brought about every year and the whole of India has to pay the price. I submit that if our right to criticise the action of this military junta is curtailed, if these people are allowed to let loose the dogs of war on the innocent people of the Frontier, I tell you that there will be no end to the troubles in this country. Our starvation, our misery and our poverty will continue while these people wax rich, amass fortunes and lead lives of luxury and remit money to England every year. Even if it means strong measures, I invite this Honourable House and not only the Members of the House but the 30 crores of Indians outside this House to realise that a monstrous wrong is being perpetrated on the Frontier, year after year, and as long as this military junta is allowed to rule, as long as these rules and regulations are allowed to stop us from criticising their action, there can be no end to our troubles and our misery. If we are going to pay for the army, you, gentlemen, of the Political Department must take your orders from us. The question whether you are going to war or not must be decided by the Indian peasant, by the Indian labourer and by the Indian taxpayer. I tell you, Sir, that the word "political" means a cheat, a swindler and all that is horrible.

Lieut.-Colonel A. E. B. Parsons : On a point of order. Is this permissible ?

Mr. President (The Honourable Sir Abdur Rahim) : I do not think the Honourable Member meant to cast any reflection on any particular officer or individual.

Mr. Abdul Qaiyum : I was referring to the meaning of the word "political" in Pushto, and the facts I have stated are absolutely true and unassailable, and I venture to say that every member of the Political Department knows what the people think of them and what people mean by the word "political" in the Pushto language. The pay which these Captains and Majors draw is stifling us. These are the people who are responsible for the launching of prosecutions under section 124-A against people in the settled districts of the reformed province, who venture to criticise their irresponsible acts. It is not only our money which they draw but the ammunition, the tanks and the aeroplanes which come from England go to keep their factories going. Their labourers are enjoying meals which even our Rajas cannot dream of enjoying. I have had tea in a labourer's house in Lancashire and I know that it was much more sumptuous than anything which I have had in the best house in the North-West Frontier Province. So, I submit that this House must protest against these monstrous rules which are being pushed down our throats and insist that regarding Frontier at any rate we should have the right to criticise their action, to condemn them and to bring them to the path of righteousness and if they do not behave, then we should appeal to the country and resort to stronger measures to get rid of this military junta.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, I rise to support the motion which has been so ably and eloquently moved by my friend, Mr. Satyamurti. The main gravamen of the charge is that these amendments and the rules have been made without this House being taken into confidence at all. We have not yet been given any explanation as to what was the urgency which led the Government to rush through these rules and

fasten them hastily on the Members of this House. The rules, to some extent, I admit, are consequential changes on account of the application of the new Government of India Act. But Honourable Members should know that they are not merely meant to govern the procedure of the Federal House that may come into existence later on, but they are also meant to apply to the Legislature that exists today and for that purpose the Government ought to have shown some strong and cogent reasons for curtailing the rights which this House enjoys today. What the effects of rules like this will be on the tone of the administration of tribal areas is indicated from the very eloquent and powerful speech which we have listened to from our young friend, Mr. Abdul Qaiyum, who represents the North-West Frontier Province now. There are questions over which this House exercises some kind of qualified jurisdiction today. Those rights are being unceremoniously taken away or modified. There is a substitute offered to us with which we are told, we ought to be satisfied, viz., the assurance which has been given in the name of His Excellency the Viceroy by the Honourable Member who spoke on behalf of the Government. The assurance is this that His Excellency the Viceroy will not generally use the powers of disallowing discussions on these points, during the transitional period, unless he thinks that in the interests of what he considers to be public policy such a discussion is not desirable. My point is this. This House somehow or other has not got a very encouraging experience of the use of the discretion vested in His Excellency in this matter (Hear, hear) ; and if things are to be judged by previous experience, then the assurance coming forth is not likely to reconcile us to the position now created by the promulgation of the new rules. The position is this. Instead of asking this House to rely upon a vague assurance of this kind, the better course for the Government would have been not to enforce these rules during this transitional period at all and leave them to be brought into force or operation after the Federal Legislature comes into existence. We could certainly have relied upon the legal acumen of the Law Member of that time in preparing a draft of appropriate amendments to the legislative rules to bring them in conformity with the provisions of the Government of India Act. Where was the need for making these rules now ? We are asked in regard to these matters to depend upon the good-will of His Excellency the Viceroy. If he thinks it fit, you can put the questions on certain subjects ; otherwise not. This is how our rights are being curtailed. Then in doing that, the usual procedure that the Government have been following in making any changes in the legislative rules is also departed from without any justification. My friend, Mr. Satyamurti, was right in pointing out prominently the fact that generally, whenever any new rules or changes were to be made, Government used to consult this House. Even today we know Government brought forward certain suggestions and we have had a discussion over these matters. The House considered the matter carefully and gave its opinion upon the rules they brought forward. Now why is this salutary practice of consulting the body whose procedure is likely to be affected by the new rules departed from in this case ? One could only conceive a justification in one way,—i.e., the promulgation of these rules was a matter of such urgency that the Government could not carry on the administration of this country without their immediate promulgation and could not afford to wait till the House actually sits. One

[Mr. M. S. Aney.]

could have no objection to that under such circumstances. But in the matter of the procedure of this House, in matters which are exclusively meant in connection with the work to be done in this House, there can be no urgency till the House actually sits down to its work. We are the persons likely to be affected ; ours is the procedure which is going to be modified ; ours are the rights which are going to be enlarged, as some Honourable Member has described, or ours are the rights which are going to be curtailed, as we think they are. We are the persons who know where the shoe pinches and not the shoe-maker who manufactures shoes in his own shop. The shoe-maker, as we all know, prepares a new shoe and if you go to him as a customer, he will tell you, " put it on ", but if you say, " I think it is rather somewhat tight ", he will say, " you are wrong, if you use it for a few days, it will be all right ". (Laughter.) If you say it is a little bit too big, he will say, " the summer is coming on and it will then get shorter ". (Laughter.) Sir, we think the Law Members are little better than shoe-makers in this respect ; whenever they come forward with any piece of legislation, that is like the new shoe I have related. If we say it is too tight, they say, " it will be right later on ". In that way they try to show that the articles placed before us for consumption ought to be accepted by us and the things should be used. My friend, Mr. Satyamurti, is perfectly right in insisting upon this that in matters vitally affecting the procedure of this House this House has got the right to be considered and there has been no justification shown whatever by the Government for departing from that practice which is sanctioned by the precedents. There was no reason to thrust upon us modifications of rules which virtually go to curtail at least in one matter a right, which we have been enjoying so long. For these reasons I think the whole House, looking at the question principally from the point of view of the principle underlying the motion, should agree to carry this motion unanimously.

The Honourable Sir Nripendra Sircar : Sir, my Honourable friend, Mr. Satyamurti, in moving this motion, more than once complained of lack of courtesy. Apparently he feels unhappy when courtesy is not shown to him, but possibly because I am of a contrary temperament, I feel unhappy if I do not get an attack from my Honourable friend, Mr. Satyamurti. (Laughter.) Now, Sir, before I come to the reasons in the arguments of Mr. Satyamurti, may I deal with the last speaker, who I understand is a lawyer of experience and of eminence. His argument, apart from some joke—it must have been a good joke because people laughed though I could not hear it, for which I am sorry—his argument was this. " You are substituting worse rules for the rules which are in existence. Why do you want to enforce these rules ? Why not agree not to enforce these rules ? " May I ask my Honourable friend, Mr. Aney, if the new rules are not enforced, whether the House will be better off or worse off ? Under the present rules, you cannot ask questions—whether Governor General exercises any right or not, whether he is gracious or ungracious, there is an absolute bar to rights of asking questions in matters affecting the relations of His Majesty's Government or of the Governor General in Council with any foreign State. Going step by step, therefore, so far as regards the first item of the three items, if these rules are not enforced and if my friend's argument is accepted, viz.,

“ why not go back to the old rules ”, will the House be in a state better off or in a state worse off ? Sir, it is one thing to declaim and another thing to give reasons. Now, Sir, let us take the next. “ Any matter which is under adjudication in a court of law ”,—well, that need not be discussed ; then, a matter “ affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief ” : what are the rights to ask questions about these, are they higher, or are they lower, than what you will have under the new rules ? There is an absolute bar—I am now talking of these two items—that is going to be substituted by the rule that you can ask questions if they are not shut out by the exercise of the power of His Excellency the Viceroy. (Interruption by Mr. Lalchand Navalrai.) I do not think I should take notice of the interruptions of my friend, Mr. Lalchand Navalrai, because I have not yet forgotten the excellent meals I got at his house when I was in Sind. I was saying that the position about these two items is that under the old rules there is an absolute bar. Under the present rule they can ask these questions with the sanction if they are not disallowed by the Governor General. (Interruption by Pandit Lakshmi Kanta Maitra.) If my friend, Pandit Lakshmi Kanta Maitra, wants to make a speech, he can surely get up after me. My friend, Pandit Lakshmi Kanta Maitra, reminds me of Tennyson’s “ Brook ”—going on gurgling for ever.

Now, Sir, about the third matter, the tribal area. What was the position before ? Under (2) no question could, as a matter of right, be asked, but as a matter of practice on very few occasions objection has been raised to the admissibility of questions, with the result that such questions are asked and are answered. Sir, in his speech my Honourable friend, Mr. Abdul Qaiyum, told us of the misery of the people of the Frontier Provinces, people who are abducted by the Hindu women of that province, people who are merely helpless.....

Mr. Abdul Qaiyum : On a point of order, Sir. Is the Honourable the speaker very sure that it is the tribesmen who are doing this abduction ? It is a point at issue and is not a settled fact.

The Honourable Sir Nripendra Sircar : It is not a question of point of order at all, but the fact that the Hindu women have been abducted has been settled more than once.

Mr. S. Satyamurti : It is a mere propaganda : I do not believe it.

The Honourable Sir Nripendra Sircar : My Honourable friend, Mr. Satyamurti, may not believe it but if you ask the Hindus of Bannu and Dera Ismail Khan, they tell a different tale. Mr. Satyamurti comes from the South. He would not have talked of propaganda, if his family had been staying in the Frontier Provinces. Therefore, the position is that as regards all these three items at the present moment there is an absolute bar. I am not going into the details of the Foreign Jurisdiction Act or the Chiefs under the suzerainty of His Majesty and how that result is arrived at on the construction of this question because I have only a few minutes more, but it boils down to this that we have done the Members great injustice because where there is an absolute bar we have by the new rules allowed them to ask questions, provided they are not shut out by the Governor General.

[Sir Nripendra Sircar.]

Now, as a matter of fact, in this Session questions which have been admitted are 14 in number. There are three questions on foreign relations, eight questions on tribal area and three questions on Indian States. As regards foreign relations, all the three questions have been admitted. The Governor General has not exercised his powers of disallowing them. Out of eight questions regarding tribal areas, five have already been admitted. Whatever the legal position may be, the fact is that five questions have been admitted. Of the Indian States, we have got replies to two admitting them, but reply to one has not been received. I do not want to repeat my arguments, but the point is that it is really doing them great injustice, great harm, great encroachment on cherished rights, as absolute prohibition is being substituted by allowance of questions, with right of disallowance in abnormal situations.

Sir, I think I should congratulate my new friend, Maulana Zafar Ali Khan. I understand he told us that the use of sufficiently strong language being dangerous outside the House, he has joined this Assembly. If that is so, we are rather disappointed because, although he thinks he is using strong language, that is milk-and-water compared to the stuff we have been getting before he honoured us with his presence. (Laughter.)

Let us now meet the points which were made by my Honourable friend, Mr. Satyamurti, whose speech was a reasoned speech and he did not wander too long in the wild regions of the Frontier Provinces. I do not know whether I am right in thinking that my Honourable friend is under the impression that section 38 is in operation now. It is not ; but really much does not turn on section 38 and so I won't take up your time. His first point was that although there was an opportunity of consulting the House we did not consult it. I do not purport to quote his language but I think this is what he said. Now, Sir, if I may remind this House of the undertaking which this House agreed to take from the Government Member, Sir B. L. Mitter.....

Mr. S. Satyamurti : When was that ?

The Honourable Sir Nripendra Sircar : I have not got the papers with me, but I think it was in 1929.

Mr. S. Satyamurti : Then it is barred by limitation.

The Honourable Sir Nripendra Sircar : Limitation does not matter so much, but that was the House in which Mr. Satyamurti was not present.

Mr. S. Satyamurti : Nor were you.

The Honourable Sir Nripendra Sircar : Nor myself. Is that a much stronger argument, for ignoring the language of the undertaking ? Now, Sir, an adjournment motion had been moved because rules had been changed without consulting the House. Thereupon, an undertaking was given by Sir B. L. Mitter, and the President then asked the House whether they were willing to accept that undertaking. I am not offering this as a legal point of estoppel that you cannot now raise that question. I am not pressing the question of emergency, though it undoubtedly existed, but the undertaking given was that on all important matters of amendment this House should be consulted. Now, I can understand the point that you cannot simply because you have used the word 'important' arbitrarily say : 'Oh, this is not important ; I brush it aside'. But I

ask the House to look at the facts of this particular case, whether in this case we have extended the rights or whether we have curtailed their rights. Then, it is said by my friend ; " why did you not put it down on the first day, on the 23rd of August ; we might have given our opinion or decision and then you could have gone on ". The undertaking which was given relates to consulting both the Houses, so that we have got to put it here on the 23rd August and then we have got to take it to the other House, and that would have meant that part of the Session would have been governed by the old rules and part of it by the new rules. But after all is said and done, when we come to the merits we have got to decide whether this is an important matter in which the opinion of the House has not been taken and I submit that on the facts of this particular case, it is abundantly clear that no rights have been encroached upon, but on the other hand rights have been enlarged. But, Sir, it may be said if you have done a good thing, then why are they abusing you ? That reminds me of the story of the late Iswar Chandar Vidyasagar. When somebody went to him and said that so and so was abusing him, he asked " I have not done him good. Why is he abusing me ? " (Laughter.) That is the story. Is my time up, Sir ?

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

The Honourable Sir Nripendra Sircar : I cannot say much in one minute. I will not try to repeat my arguments. Whatever the decision of the House may be, I can assure the House it was not intended to flout them. It was not intended that advantage should be taken of their absence or of want of discussion in the House. We honestly thought that so far as these changes are concerned they were really an enlargement of their rights and if it is an error of judgment which I do not even remotely admit, that is a very different proposition from the charge which has been laid today to which I plead not guilty and I assure the House that there was not the slightest intention to flout this House or to treat them with any lack of courtesy---but there is no intention to widen the undertaking either.

Sir Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I wanted to listen to this debate and had no intention of speaking, but on account of two or three speeches, I thought it my duty that I must speak before I give my vote. There would have been no necessity if the issue had not been mixed up and taken from the right course. The points made by the Honourable Member from the Frontier may be right or may be wrong. We are not concerned with them. The issue before the House is different. That point had been diverted by the Honourable the Leader of the House and he tried to take some advantage by trying to create a kind of impression against the Frontier Province people in a manner by which he thought he would gain the votes of some people from the other side. I think, Sir, both sides were wrong. If the Honourable Member from the Frontier was not justified in depicting the story in the colours that he depicted and the plight of the people in the North-West Frontier Province, equally unjustified was the attitude of the Honourable the Leader of the House in trying to put poison in the minds of the Honourable Members opposite.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : We are seasoned people.

Sir Muhammad Yamin Khan : My Honourable friend may be seasoned. But this is the attitude which has made me get up and express my opinion. A safeguard has been put in the Rules. That the Governor General may or may not allow a particular question we can judge from the attitude of the people who will go and advise him as to which questions should be allowed and which questions should not be allowed. Probably it may serve the purpose of the advisers of the Governor General to allow such questions which might create the impression in the minds of the public which may give a justification to the Government to carry on warfare on the innocent people of the tribal area and to get and enlist support of the House by methods and propaganda which may be peculiarly their own. That is why I think the safeguard which has been put in is really doing more harm than good. If the Rules did not exist and if the Rules had disallowed every question to be put in this House that would have been far better for the country than to allow only that thing which may serve a particular purpose and no other. Leaving this question aside, the issue before the House is whether any rules should be made without consulting the House. The Honourable the Leader of the House says he has given more privileges to the House than what are enjoyed at present. I agree. To a certain extent more privileges have been given. But I submit that if these rules are placed before the House, the House would have advised the Government to give more liberal powers than what they have given at present. If the Rules had come before the House, then the proviso which has been added would not have been allowed by the House. The House would have insisted that if you give us the power to put questions, that power must be such which is not a curtailment of our full rights, otherwise we are not going to accept them. The House would have said, 'if you allow us the power to put questions about the tribal area, then we must have full power to put questions as we like, by which we can elicit information which we require and not the information which you think you must communicate and nothing more'. That is a point on which the Honourable the Leader of the House has not been able to convince the House, namely, that the power which has been given is really an advance on our privileges or really a curtailment of our full powers. He has put in Rules which would never have been acceptable even to the Federal Legislature for whose benefit these Rules are being made. What is going to be done is this. These Rules will be thrown on the face of the Federal Legislature and they will be told "the Assembly in the past agreed to these Rules and so you must accept them. They are coming to you as an inheritance from the old Assembly". I think, Sir, this will be doing the greatest injustice to this House, if we accept these Rules and curtail our powers. What we want is not an opportunity to put a few questions, what we must express is what powers we do want in order to serve the interests of the country whose representatives we are in this House. It is the real power which is wanted by us. The British Parliament did not get that power in one or two years. They continuously fought and fought and they got this power in their hands constitutionally. It is the House which can exert and the House can get more and more power in its hands and it may ultimately come to the same position as the British Parliament in England. It is our dream that in the future this House which represents the people must get more and more power in its hands in order to become the absolute sovereign power in this country like Parliament in England. If we allow this encroachment on our rights we, as the elected people, will be betraying the interests of

our country and I do not think any elected Member can vote for the curtailment of his powers. What I want to impress on Government is this that whatever course they may take concerning this House or the rights of this House, that must not be done behind the back of this House but with its full consent. Sir, I support the motion.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I quite recognise that in the Ninth Schedule of the Government of India Act, 1935, section 67 (1) of the Act of 1919 is still preserved. That section deals with the rule making power which is referred to in the notification dealing with the publication of the amendments of the rules as they appear here. Section 67 says :

“ Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature,” etc.

There is the further power in section 129-A to further implement the provisions of section 67. That section is undoubtedly preserved and it is in pursuance of that section, so far as one can see from the Government Gazette, that the present amendments are made. And the first question I ask myself and ask the Honourable the Leader of the House, though I am afraid he has no opportunity to answer it, is this. These rules have been enforced for some time. This section 67, according to the astrologer's forecasts, may or may not continue for any particular period of time, and if that is so, I have a shrewd suspicion, for which I will presently give the reason to the House, how these amendments came to be made. Hitherto no amendments were suggested, and yet it is said, “ Oh, you have only to read the language of section 38 to see what is the origin of this new rule ”. And you cannot blame people who say that what you are all doing is to anticipate the new Act and take the power to yourselves, which you know and believe has not yet come into operation.

Section 38 which is the rule making power of the new Act among other things says this. I am not dealing with the question of consultation with the President or otherwise because I quite concede that section 38 is not in operation ; and to the extent to which it may be in operation, at all events the rules have not been made pursuant to the power under that section because they could not be made. But among other things, the purposes for which provision could be made are rules,

“ for prohibiting, save with the consent of the Governor General in his discretion,—

* * * * *

(ii) the discussion, except in relation to estimates of expenditure, of, or the asking of questions on, any matter connected with the tribal areas or the administration of any excluded area ; ”

It is rather curious, looking at the language of the amended rules :

“ Provided that no question shall be asked, save with the consent of the Governor General, on any matter connected with the tribal areas or the administration of the excluded areas.”

I think while it was realised that they were still purporting to act under section 67 (1), they were really I think at the back of their mind repeating the language and making rules which they were empowered to do under section 38 of the new Act. For indeed I cannot see how the words “ excluded areas ” could ever have come into this rule but for an unconscious copy, or a conscious copy, of section 38 of the new Act. And,

[Mr. Bhulabhai J. Desai.]

therefore, it is no use telling us that a charity has been done to us, that our rights have been extended. The fact remains that a very important part of the right of asking questions with reference to tribal areas has been taken away as to which hitherto there was no rule prohibiting or circumscribing it but which is going to come into existence under the new Act. And thereby hangs a tale. My Honourable friend, Colonel Parsons, got up and said, "Oh, I wish to give you some assurance in the name of my master", while he realises very well that so far they have anticipated the new Act by making a rule which they ought not to have made. The fact remains that hitherto the House under section 67 (1) has been allowed to exercise the right of asking questions with reference to tribal areas, there being no excluded areas fortunately in the Act of 1919,—I hope we shall come to it some day if the astrologer's prediction comes true. But for the moment there is no question of asking questions about excluded areas because none exists. And yet, forsooth, a rule has been made that you may not ask without the consent of the Governor General any question relating to excluded areas and, they have also said, any question relating to the tribal areas. So that I think there has been, as I can see it, at the back of their minds a sub-consciousness,—I put it to my Honourable friends, Colonel Parsons and the Leader of the House,—like that of the Bania who would not give the name of a particular grain but later described it in other terms. He in fact admitted that it was an error of judgment. I think it is more than that. They have over-copied an Act which they were not entitled to do, and it is no use saying, "We are not anticipating an Act which is not yet in force". The fact remains that the rules which they made they have purported to make under the old Act. And I think it requires very little explanation to see that there is no charity behind this. And it is perfectly clear that at least in one class of questions they are to be prohibited in the future except with the consent of the Governor General; and it has been brought in anticipation, thereby restricting our rights. Equally there are other limitations that I find in the rules. So that it is perfectly obvious that there are two points. After all it is not a matter of moral censure. If this House has a right to be consulted on important matters or in relation to important rules, at all events that condition has not been fulfilled, and it is not a matter merely of error of judgment. And, after all, censure of the other side does not involve much moral condemnation; I think they are largely proof against that. But what we have is a moral right of expressing our dissatisfaction at the manner in which we are being treated, because that is a good enough censure which at least the House in its judgment, at all events in this particular case, or to use the words of my Honourable friend, Sir Yamin Khan, every elected Member, I trust, will exercise.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the question be put.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the House do now adjourn.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th August, 1937

LEGISLATIVE ASSEMBLY.

CORRIGENDUM.

In the Legislative Assembly Debates, Delhi Session, 1937, Volume III, No. 5, dated the 19th March, 1937, page 2181, line 3 of the answer to part (b) of starred question No. 695, for "9th instant" read "8th instant".

ten of the Clock,
a Chair.

S.

N INDIA.

73. ***Mr. U. N. Muthuranga Mudaliar** : (a) Will the Secretary for the Department of Education, Health and Lands be pleased to place on the table a statement of the annual grant made by the Government to the various science institutions in India like the Indian Institute of Science at Bangalore, the Indian Association for the Cultivation of Science at Calcutta, the Indian Research Fund Association, and the Bose Institute at Calcutta ?

(b) How are these institutions functioning ? Is the amount granted to them by the Government being spent so as to ensure genuine scientific research ?

Mr. M. S. A. Hydari : (a) A statement giving the required information is laid on the table of the House.

(b) Satisfactorily. The grants to them are being spent for the purposes for which they are made.

Statement showing the Grants made to Science Institutions.

No.	Name of the institution.	Grant made in 1936-37.	Provision made in budget for 1937-38.	Remarks.
1	2	3	4	5
1	Indian Association for the Cultivation of Science, Calcutta.	Rs. 18,000	Rs. 18,000	
2	Indian Statistical Institute, Calcutta.	5,000	(a) 9,000	(a) Includes Rs. 4,000 on account of annual grant of Rs. 2,000 towards the publication of the Institute's journal "Sankhya" for the years 1936-37 and 1937-38.
3	Indian Institute of Science, Bangalore.	1,50,000	1,50,000	
4	Bose Research Institute, Calcutta.	53,000	53,000	