

8th March 1937

# **THE LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume II, 1937**

*(23rd February to 13th March, 1937)*

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## **FIFTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY 1937**



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1937**

# Legislative Assembly.

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MR. M. GHIASUDDIN, M.L.A.

MR. MATHURADAS VISSANJI, M.L.A.

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# LEGISLATIVE ASSEMBLY.

*Monday, 8th March, 1937.*

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

## MEMBER SWORN.

Mr. George Hemming Spence, C.S.I., C.I.E., M.L.A. (Secretary, Legislative Department.)

## QUESTIONS AND ANSWERS.

**TICKETS CHECKED AT THE BIDDING OF THE CRIMINAL INVESTIGATION DEPARTMENT OFFICIALS ON THE EAST INDIAN RAILWAY.**

542. **\*Mr. Sri Prakasa:** (a) With reference to the reply to part (a) of starred question No. 303 given on the 26th January, 1937, will Government enquire whether my secretary's and my tickets were not examined by a travelling ticket examiner between Benares Cantonment and Kashi railway stations on the East Indian Railway at the bidding of C. I. D. officials and notes taken of the same when they were travelling from Benares with tickets for Etawah by the 180 Down train from Benares Cantonment changing into 13 Up train at Moghal Sarai?

(b) Will Government lay the result of their enquiry on the table of the House?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). If the Honourable Member will furnish particulars of the date, etc., of the alleged occurrence, I will have enquiries made and will lay a reply on the table in due course.

**Mr. Lalchand Navalrai:** May I know if there is any order of the Railway Board to examine specially the tickets of Members of Legislative Assembly?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir.

**Mr. Lalchand Navalrai:** Or their servants?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir.

**Mr. Sri Prakasa:** What further particulars does the Honourable Member want besides those given in the question? I have given the date, the number of the train by which I travelled and the stations between which the tickets were checked.

**The Honourable Sir Muhammad Zafrullah Khan:** The date is not given. Then, the Honourable Member asks whether his tickets were not examined at the instance of C. I. D. officers. If he could give me particulars with regard to the ticket examiner, for, after all, I am concerned only with the Railway Department and not with C. I. D., I will make enquiries.

**Mr. Sri Prakasa:** According to the wording in my question, I do not say that my tickets were examined by the C. I. D. officials. I say whether my tickets were not examined by a travelling ticket examiner at the bidding of the C. I. D. officials. What other particulars does the Honourable Member want?

**The Honourable Sir Muhammad Zafrullah Khan:** If he can furnish particulars with regard to the ticket examiner who examined his ticket or his number, for instance, as I have already intimated to the Honourable Member in private, I will have enquiries made.

**Mr. Sri Prakasa:** Are the ticket examiners bound to give their numbers to the passengers? It is easy for the Railway Department to find out which ticket examiner was on duty on that particular day between those two stations. I have given the exact time and the stations between which the tickets were checked.

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member has to specify the date as well as some particulars from which the ticket examiner could be identified.

**Mr. Sri Prakasa:** The date is given.

**The Honourable Sir Muhammad Zafrullah Khan:** That is the date of the previous question.

**Mr. Sri Prakasa:** I am sorry, Sir. I distinctly remember to have mentioned the date of the incident also when I was dictating the question. I do not know if there is a mistake in the office of the Assembly or if it is a mistake on the part of my typist?

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member will furnish the date to the Honourable Member for Railways, that will be all right.

**Pandit Krishna Kant Malaviya:** Is the Honourable Member not aware of this practice which is prevalent every day?

**The Honourable Sir Muhammad Zafrullah Khan:** What practice?

**Pandit Krishna Kant Malaviya:** That ticket examiners check tickets of passengers at the bidding of C. I. D. officers?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not aware of that.

**Pandit Krishna Kant Malaviya:** It is done every day.

**Pandit Lakshmi Kanta Maitra:** Are the ticket examiners authorised to take orders from the C. I. D.?

**The Honourable Sir Muhammad Zafrullah Khan:** As I have already said, unless I am given some particulars on the basis of which I can make enquiries, I could not assume that it is done.

**ACCOMMODATION FOR SERVANTS AND PERMISSION FOR THIRD CLASS PASSENGERS TO TRAVEL BY THE EAST INDIAN RAILWAY PUNJAB MAIL.**

543. **Mr. Sri Prakasa:** (a) Is it a fact that the Punjab Mail train on the East Indian Railway, while travelling between Moghal Sarai and Saharanpur, is made up of various compartments that are attached and detached at various stations?

(b) Is it a fact that this mail train does not carry any third class passengers except servants of first and second class passengers?

(c) Is it a fact that no third class accommodation is provided for servants on this mail train beyond the servants' compartments?

(d) Are Government aware that room for servants, having regard to the number permitted to the first and second class passengers for whom accommodation is provided in this mail, is very inadequate; and are Government prepared to recommend the running of a separate third class carriage for servants in this mail train between Moghal Sarai and Saharanpur?

(e) What is the point in allowing third class passengers to travel in this mail when it runs over the North Western Railway track and not allowing this facility while it runs on the East Indian Railway track?

(f) Do Government propose to recommend that long distance third class passengers may be allowed to travel by this train even on the East Indian Railway track?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Certain through service carriages are attached or detached at some stations *en route*.

(b) and (c). Yes.

(d) The reply to the first part is in the negative. As regards the second part, the Agent, East Indian Railway, states that accommodation is available for 37 servants between Howrah and Patna, 27 between Patna and Lucknow and Lhaksar and 27 between Lhaksar and Saharanpur, and that this is adequate.

(e) Conditions in regard to a long distance through train are not identical over every section of the entire journey. There are differences in connection with various matters, such as the provision of alternative train services, traffic requirements and the maximum load that can be hauled by an engine.

(f) The Agent, East Indian Railway, states that the load of these trains cannot be increased nor can upper class stock be reduced in order to attach third class coaches.

**Mr. Sri Prakasa:** May I know for how many first and second class passengers accommodation is provided in this train and how many servants can travel with them, and whether if the full quota of servants was travelling, would the accommodation provided be sufficient?

**The Honourable Sir Muhammad Zafrullah Khan:** I would require notice if I am asked to give particulars. The Agent states that the accommodation provided for servants is adequate.

**RACIAL DISCRIMINATION ON THE NORTH WESTERN RAILWAY.**

**544. \*Mr. Sham Lal:** (a) Are Government aware that racial discrimination is playing a very important part on the North Western Railway even in minor matters?

(b) Will Government be pleased to state if they are aware:

- (i) that magnificent buildings, big grounds and all possible sports gear have been provided to both the European Institutes at Lahore, but the Indian Recreation Club has not got even a proper place to sit;
- (ii) that subscription for football is being regularly recovered from the Indian members, but there is no playground or any arrangement for the game;
- (iii) that a decent swimming tank has been provided for the European staff, but the use of it has been denied to the members of the Indian Recreation Club, though request was made on their behalf;
- (iv) that the monthly grant of Rs. 300 per mensem, which used to be given to the Indian Recreation Club, has been stopped; and
- (v) that several times a request was made to bring the Indian Recreation Club to the standard of the two European Institutes, but every time the request was turned down and now there is every likelihood of the club being closed down at any moment?

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

(b) Government are informed as follows:

(i) There are two European Institutes in Lahore both of which have club buildings and playing fields. The Indian Recreation Club is not an Institute and membership is not compulsory. It is a Sports Club with a pavilion containing a combined reading room and library and has a playing field.

(ii) The existing ground is not big enough to permit both hockey and football being played at the same time and is mostly used for the former due to the larger number interested in this game.

(iii) The Burt Institute has a swimming bath, the use of which is restricted to its members.

(iv) Both institutes and sports clubs which formerly relied for the funds for their games on grants from the Fine Fund are now supplied from the grants made by the Staff Benefit Fund Committees.

(v) Owing to the dwindling membership of the Indian Recreation Club, which is at present about 240, and the consequent difficulty in keeping it solvent, its conversion into an Institute was contemplated and referred to the various officers and Area Staff Councils in Lahore for an opinion to ascertain the extent to which the staff themselves favoured this step, as it was considered that under the proposed rules membership might consist of about 2,600 compulsory members sufficient to enable it to flourish. A large number welcomed the idea. It was considered desirable, however, to defer a final decision until there is some indication how recovery on Institute subscriptions may actually be affected by the "Payment of Wages Act".



**PROSCRIPTION OF THE CONGRESS PLEDGE OF INDEPENDENCE.**

**545. \*Mr. Mohan Lal Saksena:** (a) Is it a fact that the Congress Pledge of Independence was proscribed by the Local Governments at the instance of the Government of India? If so, will Government state the reasons which impelled them to proscribe it?

(b) When were the orders issued?

(c) Is it a fact that the pledge had been drafted in 1930 and had been reiterated all over the country on the 26th January since then?

**The Honourable Sir Henry Craik:** (a) to (c). The orders proscribing the document in question were issued by the various Local Governments in the exercise of their statutory powers on dates towards the end of January last. The reasons for the order were stated in the notifications of the Local Governments and in certain communiques issued at the time by those Governments. So far as I am aware, the pledge has not been repeated in public since 1932.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether the Local Governments did not consult the Government of India before they took such action?

**The Honourable Sir Henry Craik:** Action was taken in consultation with the Government of India.

**Mr. T. S. Avinashilingam Chettiar:** Did the Government of India approve the action of the Local Governments?

**The Honourable Sir Henry Craik:** Yes, Sir.

**Mr. Mohan Lal Saksena:** Are Government aware that this pledge was reiterated in January, 1934 and 1935?

**The Honourable Sir Henry Craik:** As I have already said, so far as I am aware, the pledge has not been repeated in public since 1932.

**Mr. Mohan Lal Saksena:** Will Government make enquiries because I have myself read that pledge in January, 1935?

**The Honourable Sir Henry Craik:** I will make enquiries.

**Mr. Mohan Lal Saksena:** I myself repeated that pledge in January, 1935?

**The Honourable Sir Henry Craik:** If the Honourable Member will send me full particulars, I will certainly verify his statement.

**Mr. T. S. Avinashilingam Chettiar:** Are Government aware that a certain day in January, called the "Independence Day" is celebrated every year since 1931 by the Congress?

**The Honourable Sir Henry Craik:** I think that is so.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether it is not a fact that on that day this pledge was continuously read for the past so many years since 1931?

**The Honourable Sir Henry Craik:** My information is not to that effect. My information is that it has not been read in full since 1932.

**Pandit Lakshmi Kanta Maitra:** May I know what are the reasons that weighed with the Government in giving sanction to the request of the Provincial Governments to ban this pledge? This ban was introduced only this year. What are the considerations which influenced the Honourable Member in agreeing with the Provincial Governments as to the imposition of this ban in this particular year? What are the peculiar circumstances which in his judgment led the Honourable Member to give sanction to the imposition of this ban on the Independence pledge particularly this year?

**The Honourable Sir Henry Craik:** I have already said that the reasons were those stated in the notification published by the Local Governments, and in some cases in the Press communiques published by those Governments.

**Pandit Lakshmi Kanta Maitra:** Were there any new reasons or new circumstances which influenced the judgment of the Government of India, because this pledge has been in operation for a long number of years even according to the Honourable Member?

**The Honourable Sir Henry Craik:** My point is that the pledge has not been repeated in public for the last five years.

**Pandit Lakshmi Kanta Maitra:** But the Honourable Member knew that the pledge was there all the same.

**Mr. President** (The Honourable Sir Abdur Rahim): That is arguing. The Honourable Member must put questions to elicit information only.

**Pandit Lakshmi Kanta Maitra:** I want to know from Government what led them in this particular year 1937 to impose this ban on this pledge when it was there since 1930 at least, if not earlier?

**The Honourable Sir Henry Craik:** Was where?

**Pandit Lakshmi Kanta Maitra:** In this country; the Congress had this pledge.

**The Honourable Sir Henry Craik:** I have explained three times that my information is that this pledge was drawn up in 1930, but has not been repeated in public, to the best of my belief, since 1932.

**Mr. T. S. Avinashilingam Chettiar:** What is the source of Government's information that this pledge has not been repeated since 1932?

**The Honourable Sir Henry Craik:** The usual source.

**Mr. T. S. Avinashilingam Chettiar:** That shows how the usual source is wrong.

**Mr. Ganga Singh:** May I know if there is any difference of language as between the previous pledge and the pledge supposed to be proscribed?

**The Honourable Sir Henry Craik:** I cannot answer that without notice.

**Mr. Sri Prakasa:** In view of the fact that the Honourable Member himself recognises that this pledge was read in 1930, 1931 and 1932, what special circumstances arose this year which led him to alter our right in this behalf?

**Mr. President** (The Honourable Sir Abdur Rahim): That has been answered.

**Pandit Lakshmi Kanta Maitra:** Is it a fact that this pledge has been in use since 1932 by the Congress?

**The Honourable Sir Henry Craik:** I do not know what the Honourable Member means by saying "used by the Congress". The pledge was drawn up in 1930.

**Pandit Lakshmi Kanta Maitra:** The fact of its being there was known to Government.

**Mr. M. Asaf Ali:** Is it not a fact that the text of this pledge has appeared in the press from year to year?

**The Honourable Sir Henry Craik:** No, that is not my information.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has said that so often. Next question.

#### PRESENT STATE OF HEALTH OF MR. SUBHASH CHANDRA BOSE.

**546. \*Mr. Mohan Lal Saksena:** (a) Will Government be pleased to make a statement regarding the health of Sjt. Subhash Chandra Bose?

(b) What is the nature of his disease?

(c) What is the total loss of weight suffered by him?

(d) What are the arrangements for his treatment?

(e) Is it a fact that he is shortly going to be removed outside Bengal, as reported in newspapers?

(f) In view of the present state of health do Government propose to consider the feasibility of releasing him at an early date?

**The Honourable Sir Henry Craik:** (a), (b), (d) and (e). I would refer the Honourable Member to the reply given by me to Pandit Lakshmi Kanta Maitra's question No. 532 on the 6th March.

(c) 27 lbs.

(f) Mr. Bose will not be detained longer than is considered necessary in the interests of public tranquillity.

**Mr. Sri Prakasa:** In view of the statement of the Honourable Member that Mr. Bose was heavier than was good for his health having regard to his height, will the Honourable Member state whether the weight has now been properly reduced to the requirements of his health?

**Mr. President** (The Honourable Sir Abdur Rahim): That question need not be answered as it is sarcastic. Next question.

#### RELEASE OF POLITICAL PRISONERS.

547. **\*Mr. Mohan Lal Saksena**: Do Government propose to consider the feasibility of releasing all the political prisoners before the inauguration of Provincial Autonomy on the 1st April?

**The Honourable Sir Henry Craik**: No.

**Mr. Mohan Lal Saksena**: Is the Honourable Member aware that one of the items of the Congress manifestoes and the manifestoes of other parties was the release of political prisoners?

**The Honourable Sir Henry Craik**: That does not seem to me to arise.

**Mr. Mohan Lal Saksena**: Is the Honourable Member aware that there is a demand for an immediate release of political prisoners in the country?

**The Honourable Sir Henry Craik**: That does not seem to me to arise.

**Pandit Lakshmi Kanta Maitra**: Has this decision been arrived at by the Government of India after consultation with the Secretary of State, that there shall be no release of political prisoners?

**The Honourable Sir Henry Craik**: I cannot say without notice.

#### RESOLUTIONS PASSED BY THE LEGISLATIVE ASSEMBLY AND THE ACTION TAKEN THEREON.

548. **\*Mr. Mohan Lal Saksena**: Will Government be pleased to lay on the table a statement giving the Resolutions passed by the Legislative Assembly and the action taken thereon during the last two years?

**The Honourable Sir Frank Noyce**: The information is being collected and will be laid on the table in due course.

#### STATES WILLING TO JOIN THE FEDERATION.

†549. **\*Mr. M. Ananthasayanam Ayyangar** (on behalf of Mr. S. Satyamurti): Will the Honourable the Law Member be pleased to state:

- (a) at what stage the negotiations for the States entering the Federation stand;
- (b) how many States have expressed their willingness to join the Federation unconditionally; and
- (c) how many States have expressed their willingness to join the Federation on conditions; and what those conditions are?

**The Honourable Sir Frank Noyce**: (a), (b) and (c). Negotiations with Indian States are still proceeding. I am unable at the present stage to give any detailed information in regard to these negotiations.

**Mr. M. Ananthasayanam Ayyangar**: Has the opinion of Mr. Morgan given a set-back to the negotiations to any extent?

† Questions Nos. 549—577 were put by Mr. M. Ananthasayanam Ayyangar on behalf of Mr. S. Satyamurti.

**The Honourable Sir Frank Noyce:** I am unable to give the Honourable Member any information beyond what I have already given him.

**Mr. K. Santhanam:** May I know when the Honourable Member will be able to give us information on this subject?

**The Honourable Sir Frank Noyce:** I am unable to say.

**Mr. M. Ananthasayanam Ayyangar:** With reference to the answer to clause (c), if any conditions other than those already in the draft are proposed or accepted, will those conditions or draft be placed before the several Provincial Assemblies for consulting them?

**The Honourable Sir Frank Noyce:** I have no information beyond that I have already given.

**Mr. M. Ananthasayanam Ayyangar:** What is the policy of Government?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has said he cannot give any further information. Next question.

#### TOURS OF THE AGENTS TO THE VICEROY TO THE VARIOUS STATES.

550. **\*Mr. S. Satyamurti:** Will the Honourable the Law Member be pleased to state:

- (a) whether the tours of the Agents to the Viceroy to the various States are over; and
- (b) whether any official report on these negotiations will be placed on the table of the House?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) No.

**Mr. M. Ananthasayanam Ayyangar:** Has any report been called for from the Agents?

**The Honourable Sir Frank Noyce:** There again I have no information beyond what I have already given the House.

**Mr. T. S. Avinashilingam Chettiar:** As regards these negotiations, do the Government of India propose to consult some non-official agencies?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has said that he can give no further information beyond what he has given.

**Mr. T. S. Avinashilingam Chettiar:** I am sorry, Sir, you have not heard my question. Do Government propose to consult any non-official British Indian Agency in this matter of Federation, in negotiation with the princes?

**The Honourable Sir Frank Noyce:** I submit, Sir, that does not arise.

**Mr. T. S. Avinashilingam Chettiar:** That is for the Chair to say.

**Mr. President** (The Honourable Sir Abdur Rahim): It does not arise. He has answered the question the best he can.

**Mr. M. Ananthasayanam Ayyangar**: May I know if any report has been received from these officers?

**The Honourable Sir Frank Noyce**: I have no information.

**Mr. President** (The Honourable Sir Abdur Rahim): He has repeatedly said he has no further information.

**Mr. M. Ananthasayanam Ayyangar**: Sir, on a point of order . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): There can be no point of order on the Chair's ruling.

**Mr. M. Ananthasayanam Ayyangar**: It is not on your ruling. I am asking whether these officers have sent any reports. How can Government say they have no information? They must know whether reports have been sent or not.

**Mr. President** (The Honourable Sir Abdur Rahim): That is his answer, and the Chair must accept it.

**Mr. M. Ananthasayanam Ayyangar**: Is it not in your power to say that such a thing is improper?

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

#### JOINING OF FEDERATION BY STATES.

551. **\*Mr. S. Satyamurti**: Will the Honourable the Law Member be pleased to state:

- (a) what the outstanding questions are which have got to be settled before the States agree to join the Federation; and
- (b) whether the States have or have not said that their joining the Federation depends on the solvency of the Government of India, as revealed in this year's budget?

**The Honourable Sir Frank Noyce**: (a) Negotiations with States are still proceeding.

(b) No.

**Mr. T. S. Avinashilingam Chettiar**: What are the outstanding questions which have got to be settled?

**The Honourable Sir Frank Noyce**: It is impossible to say. Presumably questions on which negotiations are still proceeding are still outstanding.

**Mr. M. Ananthasayanam Ayyangar**: May I know if after so many months of negotiation, agreement or disagreement on particular issues has not been arrived at?

**The Honourable Sir Frank Moyce:** I am unable to give the Honourable Member any information.

**Mr. M. Ananthasayanam Ayyangar:** Not even on one outstanding point of difference?

**Mr. President** (The Honourable Sir Abdur Rahim): He said he cannot give any further information.

**Mr. M. Ananthasayanam Ayyangar:** Sir, I want to make one submission. If Government say that they cannot give the information in the interest of public administration, I can understand that. But they say they are unable to give this information. What does that mean?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair takes it that what he meant was that he cannot add to the information already given.

#### ELECTIONS IN THE PROVINCES.

**552. \*Mr. S. Satyamurti:** Will the Honourable the Law Member be pleased to state:

- (a) the results of the elections under the Government of India Act, 1935, in the various Provinces, according to the Party labels of the various candidates returned;
- (b) whether Government have received any reports of restrictions in the way of candidates conducting election campaign by Local Governments; and
- (c) whether the Government of India propose to take any action thereon?

**The Honourable Sir Henry Craik:** (a) The return of results of elections to the Provincial Legislatures which it is proposed to place in the Library of the House in due course will contain the information asked for by the Honourable Member.

(b) No.

(c) Does not arise.

**Mr. M. Ananthasayanam Ayyangar:** With reference to the answer to part (b), have any reports been called for from the various polling officers at each station about the manner in which the thing has been done, and from the district magistrates during the election campaign about difficulties and disturbances in particular areas and the restrictions that were placed?

**The Honourable Sir Henry Craik:** If any such report is being called for, it would be called for by the Local Governments concerned.

**Mr. M. Ananthasayanam Ayyangar:** After the receipt of this question, has the Honourable Member taken any pains to collect those reports or call for those reports from the Local Governments?

**The Honourable Sir Henry Craik:** I take it it is asked whether the Government of India have received any reports. The Government of India have not received any reports.

**Mr. M. Ananthasayanam Ayyangar:** That is entirely a matter for the Local Governments.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that this has been the first general election in connection with the new reforms, do the Government of India propose to call for a report from the Provincial Government containing detailed information about the manner of voting, and the conduct of elections by the polling officers and the Government servants?

**The Honourable Sir Henry Craik:** I cannot say whether they intend to.

**Seth Govind Das:** Are Government aware that in certain places district magistrates and other Government officials have been carrying on a campaign against Congress candidates?

**The Honourable Sir Henry Craik:** No.

**Seth Govind Das:** Do Government know that in the Bilaspur district of the Central Provinces . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): That does not arise.

**Mr. Sri Prakasa:** Have the Government of India asked the United Provinces Government as to why so many Congress candidates have won in the elections?

**Mr. President** (The Honourable Sir Abdur Rahim): That does not arise.

#### EXTENSION OF THE LIFE OF THE LEGISLATIVE ASSEMBLY.

553. **\*Mr. S. Satyamurti:** Will the Honourable the Law Member be pleased to state:

- (a) whether they have considered or are considering any proposal to extend the life of the present Legislative Assembly;
- (b) whether the Assembly will, in due course, be dissolved at the end of this year; and
- (c) if not, to what time, the life of the Assembly will be extended?

**The Honourable Sir Frank Noyce:** The question has not yet been considered and the Government are not therefore in a position to make any statement.

**Mr. M. Ananthasayanam Ayyangar:** May I know when Government will be in a position to make a statement?

**The Honourable Sir Frank Noyce:** I do not know when they will be.

#### INDIANISATION IN THE BROADCASTING SERVICES.

554. **\*Mr. S. Satyamurti:** Will the Honourable the Member for Industries be pleased to state:

- (a) the progress of Indianisation in the Broadcasting services;



(b) whether suitable Indians are being trained for taking the place of non-Indians in all Broadcasting Stations in all capacities; and

(c) if not, why not?

**The Honourable Sir Frank Noyce:** (a) With the exception of the Controller of Broadcasting, the Chief Engineer, All-India Radio, the Editor, *Indian Listener* and the Station Director, Calcutta Station, all posts in All-India Radio are held by Indians.

(b) Yes.

(c) Does not arise.

**Mr. Lalchand Navalrai:** Are there any regular schools or classes for training these people—part (b) of the question?

**The Honourable Sir Frank Noyce:** The best training they can get is in the stations themselves, and that they are getting.

**Mr. Lalchand Navalrai:** How is the recruitment made for those people?

**The Honourable Sir Frank Noyce:** The whole question of recruitment to this service is under consideration. I think it is correct to say that recruitment in the past to the lower grades has in the main been made by a selection committee.

**Mr. M. Ananthasayanam Ayyangar:** In how many years does the Honourable Member expect to substitute the present Controller of Broadcasting by an Indian?

**The Honourable Sir Frank Noyce:** There are only four appointments held by non-Indians at the moment. It is quite impossible for me to say when those non-Indians will be replaced by Indians, as I shall not be here when their contract expires.

**Pandit Lakshmi Kanta Maitra:** May I know if in the all-India broadcasting stations, probationers are taken?

**The Honourable Sir Frank Noyce:** Yes. Selection of suitable candidates is made, and obviously they have to be trained: they come to the appointment new and they have to be trained for their duties.

**Pandit Lakshmi Kanta Maitra:** Are they paid probationers?

**The Honourable Sir Frank Noyce:** Yes; unless I am greatly mistaken, there are no unpaid probationers.

**Mr. Lalchand Navalrai:** How is the recruitment made to the lower grades when they are promoted?

**The Honourable Sir Frank Noyce:** So far, recruitment has been by means of a selection committee.

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member say whether the recruitment is made from the vocal classes or the martial classes?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not answer that.

**Mr. M. Asaf Ali:** I understand that there is at least one very highly qualified Indian who has been borrowed from another department and he is likely to revert to his original post if he is not made permanent here. What provision have Government made about it?

**The Honourable Sir Frank Noyce:** That is a hypothetical question.

**Mr. M. Asaf Ali:** It is not a hypothetical question. I am actually referring to the post of the Deputy Controller.

**Mr. President** (The Honourable Sir Abdur Rahim): He has not retired yet, and that is why the Honourable Member says it is hypothetical.

**Mr. M. Asaf Ali:** He will lose the lien on his post if he does not go back in August.

**Mr. M. Ananthasayanam Ayyangar:** May I know if the policy of the Government is completely to Indianise this department within any period of time?

**The Honourable Sir Frank Noyce:** The policy of Government in this matter is to secure that the department works with efficiency.

**Mr. M. Ananthasayanam Ayyangar:** Does the Honourable Member mean that Indianisation would not be conducive to efficiency?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue the question now.

#### BUILDING OF RADIO RECEIVING SETS IN INDIA.

555. **\*Mr. S. Satyamurti:** Will the Honourable the Member for Industries be pleased to state:

- (a) whether any attempts are being made to encourage the building of receiving sets in India;
- (b) if so, what these steps are; and
- (c) if not, why not?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) Hitherto the Research Department of All-India Radio has been engaged in the development of a village receiver and they have achieved a fair measure of success in this work. Suggestions for village receivers will be shortly published in their official organ—the *Indian Listener*—for the use of all industrialists interested in the manufacture of such receivers. Principles underlying the manufacture of cheap receivers to receive local stations and for receivers to pick up all the Indian stations are now being worked out and will be published as soon as investigations are complete.

(c) Does not arise.

**Mr. M. Ananthasayanam Ayyangar:** Do Government propose giving any subsidy to an industry started for the production of such cheap receivers in this country?

**The Honourable Sir Frank Noyce:** The question has not yet arisen. I imagine that if manufacturers in this country see any possibility of profit in this enterprise, they will take it up without any encouragement from Government. They have the shelter of a 50 per cent. duty.

**Mr. K. Santhanam:** Do Government propose to manufacture these sets departmentally and distribute them to the villagers?

**The Honourable Sir Frank Noyce:** No.

**Pandit Lakshmi Kanta Maitra:** In view of the fact that some new stations are going to be started at Lucknow, Lahore, Dacca, and so on, do I understand the Honourable Member to say that Government are applying their mind to the manufacture of broadcasting sets suitable for these small stations, not costly ones which are imported from outside?

**The Honourable Sir Frank Noyce:** Obviously my reply to the question shows that Government have applied their minds, and, if I may say so, I think, very satisfactory results have been achieved in a short time in regard to this question of the manufacture of cheap sets.

#### NEGOTIATIONS FOR REPLACING THE OTTAWA TRADE AGREEMENT.

556. **Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state:

- (a) at what stage the negotiations for replacing the Ottawa Agreement stand;
- (b) whether the Government of India propose to continue the Ottawa Agreement indefinitely, in spite of the verdict of the House, on the plea of want of time to negotiate a fresh Agreement;
- (c) whether Government propose to renounce completely the Ottawa Agreement and let the normal course of trade run;
- (d) whether a fresh Agreement will be entered into in India, and, if so, when; and
- (e) if not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a), (d) and (e). The negotiations are still in progress and Government are not in a position to make any further statement on the subject at present.

(b) and (c). The Honourable Member is referred to the Government of India, Commerce Department's Press Communique, dated the 19th October, 1936, on the subject, copies of which are in the Library.

**Pandit Lakshmi Kanta Maitra:** May I know, Sir, what is the total period occupied for carrying on these negotiations?

**The Honourable Sir Muhammad Zafrullah Khan:** That the Honourable Member can easily calculate for himself.

**Pandit Lakshmi Kanta Maitra:** I want to know what is the total time that has elapsed since the starting of these negotiations. If I do not know the starting point, I cannot calculate the period.

**The Honourable Sir Muhammad Zafrullah Khan:** I believe some months have passed.

**Mr. Sami Vencatachelam Chetty:** May I know whether, in view of the temporary Ottawa Agreement, the British Government were permitted to reduce the rate of preference on pig iron imported into the United Kingdom from India and other countries?

**The Honourable Sir Muhammad Zafrullah Khan:** There was no preference granted to pig iron under the Ottawa Agreement.

**Mr. T. S. Avinashilingam Chettiar:** May I know if the British Government have recently abolished the import duty on pig iron thus depriving India of the preference she enjoyed?

**The Honourable Sir Muhammad Zafrullah Khan:** I have just said that pig iron did not enjoy any preference.

**Pandit Lakshmi Kanta Maitra:** May I know when the negotiations will be completed?

**The Honourable Sir Muhammad Zafrullah Khan:** I am afraid that is more than I could say.

**Mr. Sami Venkatachelam Chetty:** In view of the fact that the Government of India made a strong point under the Ottawa Agreement that pig iron imported into Britain was the greatest advantage India could get under the Ottawa Trade Agreement.....

**The Honourable Sir Muhammad Zafrullah Khan:** I do not know what specific point the Honourable Member is referring to, but I understand, the grievance is that the abolition of import duty on pig iron from other countries has in some manner contravened the Ottawa Trade Agreement, but that is not so.

**Mr. B. Das:** May I know whether Government intend to publish the Report of the Indian Committee on the Indo-British Trade Agreement which sat in Simla?

**The Honourable Sir Muhammad Zafrullah Khan:** Do you mean the advice given from time to time?

**Mr. B. Das:** A Committee composed of gentlemen, like Sir Purshotamdas Thakurdas, sat in Simla, and they have submitted a report to the Government on the Indo-British Trade, and I want to know if Government propose to publish that report?

**The Honourable Sir Muhammad Zafrullah Khan:** They have been advising the Government with regard to the renewal of the Trade Agreement.

**Mr. B. Das:** Have they given anything in writing?

**The Honourable Sir Muhammad Zafrullah Khan:** Their advice has been submitted in writing.

**Mr. B. Das:** Don't Government propose to publish it?

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

**Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member please explain how it does not contravene the Ottawa Trade Agreement?

**Mr. President:** (The Honourable Sir Abdur Rahim): The Honourable Member cannot ask for an opinion, he can only ask for information.

**Mr. T. S. Avinashilingam Chettiar:** May I know how it does not cover pig iron?

**The Honourable Sir Muhammad Zafrullah Khan:** I have already submitted that no preference was granted to pig iron. Pig iron was entitled to free entry from India into the United Kingdom; it still continues to enjoy the privilege of free entry. There was no guarantee that there would be a preference.

#### BILATERAL TRADE AGREEMENTS WITH COUNTRIES OTHER THAN THE UNITED KINGDOM.

557. **\*Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state:

- (a) whether any negotiations are on foot for bilateral agreements with countries other than the United Kingdom, as contemplated in the Resolution of this House on this matter;
- (b) if so, what the conditions of those Agreements are; and
- (c) if not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a), (b) and (c). The Honourable Member's attention is invited to my answers to his starred question No. 35 and supplementaries in the last Simla Session.

**Mr. M. Ananthasayanam Ayyangar:** Have any bilateral agreements been entered into since the answer was given last time?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member is aware that negotiations are being carried on with regard to the renewal of the Trade Agreement with Japan.

**Mr. T. S. Avinashilingam Chettiar:** May I know what stage have those negotiations reached?

**The Honourable Sir Muhammad Zafrullah Khan:** That scarcely arises out of this question.

## RECOMMENDATIONS OF SIR OTTO NIEMEYER.

558. **\*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether all the recommendations of Sir Otto Niemeyer have been carried out;
- (b) whether any attempt has been made to fix the incidence of taxation, as suggested by Sir Otto Niemeyer; and
- (c) if not, why not?

**The Honourable Sir James Grigg:** (a) All the recommendations of Sir Otto Niemeyer are being carried out.

(b) and (c). Government have come to no final decision in regard to the comment made by Sir Otto in paragraph 31 (1) of his report, to which point the Honourable Member is no doubt referring.

## NEGOTIATIONS WITH THE MARITIME STATES WITH REGARD TO CUSTOMS REVENUE UNDER FEDERATION.

559. **\*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether all negotiations with the Indian Maritime States are complete with regard to customs revenue under Federation;
- (b) if they are not complete, at what stage they stand; and
- (c) what will be the net loss to British India, as a result of these negotiations being completed?

**The Honourable Sir James Grigg:** (a) No.

(b) and (c). I am not in a position to make any statement at present.

**Mr. T. S. Avinashilingam Chettiar:** When does the Honourable Member hope to make a statement?

**The Honourable Sir James Grigg:** I do not know, Sir.

## INDIA'S BALANCE OF TRADE.

560. **\*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) the latest figures of the balance of trade of India with other countries?
- (b) whether, by eliminating the export of gold, the balance of trade will be decidedly favourable to India; and
- (c) whether any steps are being taken to see that a favourable balance of trade is maintained in favour of India?

**The Honourable Sir James Grigg:** (a) The attention of the Honourable Member is drawn to the table published monthly in the introductory portion of the Accounts relating to the Sea-borne Trade and Navigation of British India, copies of which are in the Library.

(b) Yes, during the last year.

(c) Government see no need for any special step to be taken, at any rate at the moment.

**Prof. N. G. Ranga:** Is it not a fact, Sir, that the export of gold from India has been on the increase during the last six months?

**The Honourable Sir James Grigg:** That is not the question asked. The question asked relates to merchandise. The favourable balance of trade has been increasing in the last ten months. If the Honourable Member wants to ask a question about gold export, he had better put it down.

**Mr. T. S. Avinashilingam Chettiar:** May I know, in view of the answer to clause (b), whether, by eliminating the export of gold, the balance of trade is still favourable to India?

**The Honourable Sir James Grigg:** Yes, in the current year it is being maintained at the rate of over 70 crores a year.

**Mr. M. Ananthasayanam Ayyangar:** Is not that favourable balance of trade during the past ten months due to the export of articles which are necessary for re-armament purposes required by other countries?

**The Honourable Sir James Grigg:** That may be so; the Honourable Member is as much entitled to his opinion as anybody else.

#### RESIGNATION OF SIR OSBORNE SMITH FROM THE GOVERNORSHIP OF THE RESERVE BANK OF INDIA.

561. **Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) the circumstances under which Sir Osborne Smith resigned the Governorship of the Reserve Bank of India;
- (b) whether it was due to the difference of opinion between the Governor of the Reserve Bank and the Finance Member;
- (c) if so, what the points of difference were; and
- (d) what, if any, was the amount paid to Sir Osborne Smith to compensate him for his resignation?

**The Honourable Sir James Grigg:** I have nothing to add to the answer which I gave on the 4th March to Mr. Ganga Singh's starred question No. 478.

**Prof. N. G. Ranga:** What is the answer to part (d)? What, if any, was the amount paid to Sir Osborne Smith to compensate him for his resignation?

**The Honourable Sir James Grigg:** The answer is, I have nothing to add to the reply I gave on the 4th of March.

**Mr. T. S. Avinashilingam Chettiar:** Was he paid at all?

**The Honourable Sir James Grigg:** I have nothing more to add.

**STEPS PROPOSED TO BE TAKEN BY THE RESERVE BANK OF INDIA FOR FINANCING AGRICULTURAL CREDIT.**

562. \***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) the steps which the Reserve Bank of India propose to take for financing agricultural credit;
- (b) whether they propose to take any further steps in the matter; and
- (c) if not, why not?

**The Honourable Sir James Grigg:** (a), (b) and (c). I refer the Honourable Member to the report submitted under section 55 (1) (b) of the Act by the Reserve Bank. Copies of the report will be found in the Library.

**Prof. N. G. Ranga:** Are Government aware of the fact that financial as well as agricultural opinion in the country has been unanimous in stating that the proposals of the Reserve Bank in regard to help for definite agricultural credit fall far short of the demands in the country?

**The Honourable Sir James Grigg:** That does not surprise me. The demand of people for cheap credit can never be satisfied until they get money for nothing.

**Prof. N. G. Ranga:** Is it not a fact that the Reserve Bank does not propose to meet even the minimum demands at the usual rate of interest that is charged for land mortgage credit?

**The Honourable Sir James Grigg:** I suspect, Sir, in this matter minimum and maximum are very much the same thing, that is for free grants.

**POSITION ON THE FRONTIER.**

563. \***Mr. S. Satyamurti:** Will the Army Secretary be pleased to state:

- (a) the latest position on the Frontier;
- (b) the expenditure incurred on Frontier operations during this budget year, so far; and
- (c) whether Government propose to pursue any other policy, with a view to establishing permanent peace on an honourable understanding between the Frontier tribes and India?

**Sir Aubrey Metcalfe:** (a) By the position on the Frontier, I presume that the Honourable Member means the political situation in the Tribal Areas of the North-West Frontier as opposed to the Administered Districts of the North-West Frontier Province proper. The situation there alters from day to day, and information which I may give to the House now may be incorrect tomorrow. With this qualification, I will attempt to give the Honourable Member some information as to the existing situation so far as it has been reported up-to-date.

In the Northern Tribal Areas the situation is quiet. The blockade which had recently to be imposed upon the Afridis has now been raised and a settlement reached which it is hoped will bring about the resumption



of normal relations with that tribe. The only real focus of trouble is Waziristan where owing to the religious excitement engendered by the preaching of certain fanatical *mullahs* a state of considerable unrest prevails. These *mullahs* have been preaching for some months that Islam is in danger and have been taking as their text the case of a Hindu minor girl who was abducted early in 1936 by a Muhammadan resident of Bannu and was subsequently restored to her lawful guardian by order of the Judicial Courts of British India. They have also cited the case of the Shahid-gunj Mosque in Lahore and their idea apparently is to bring pressure on the Government of India to reverse by executive action judicial decisions taken in the Courts. The hostility to Government thus produced in the two Waziristan Agencies have resulted hitherto in (1) the Khaisora Valley operations; (2) the murders of two British Officers; (3) minor offences such as the cutting of telephone wires and an attack upon a *Serai* in North Waziristan in which one Hindu shopkeeper was killed. It was hoped that with the conclusion of the Khaisora Valley operations and the making of a settlement with the Tori Khel tribe, who were mainly responsible for the attack upon Government troops which necessitated those operations, the situation would clear up. Unfortunately this has not been the case and the *mullahs* concerned still continue their subversive preaching, offences continue to take place and the two murders of the British Officers remain unpunished. The Government of India are anxiously considering in consultation with the local Political authorities what action should be taken to deal with the situation, but it will not be in the public interest to make any further announcement at this stage. Any subsequent events will be communicated to the Press without delay.

(b) Approximately 12 lakhs.

(c) Government have consistently pursued the policy of attempting to maintain peace on an honourable understanding between the residents of Tribal Areas and the Government of India. I must, however, point out that these Frontier tribes reside in and not outside India as the Honourable Member seems to think and that relations between them and the Government of India are based on long-standing treaties, which have been scrupulously observed by Government and not always by the tribes.

**Mr. M. Asaf Ali:** Is it not a fact that the tribes the Honourable the Foreign Secretary has been referring to live between the settled districts and the Durand Line and they are not within India, but are in independent territory?

**Sir Aubrey Metcalfe:** No, that is not the case. The Durand Line marks the international boundary between India and Afghanistan. May I also say this, there is going to be a debate on this very subject within the next forty-eight hours, and it is a little difficult now to go in great detail into the whole thing.

**Mr. President** (The Honourable Sir Abdur Rahim): Yes. The Honourable Member has made a full statement. I think Honourable Members may wait for the debate.

**Mr. Lalchand Navalrai:** Only one supplementary question, Sir. Will the Honourable Member say whether any bombs have been used since the recent disturbances on that frontier—bombs for the purpose of bringing them to their senses if we may so call it?

**Sir Aubrey Metcalfe:** I am not sure what dates the Honourable Member is referring to, when he says "since".

**Mr. Lalchand Navalrai:** Since the recent disturbances.

**Sir Aubrey Metcalfe:** The Honourable Member cannot have a time "since" something which continues to go on even at the present time.

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

#### POSTPONEMENT OF THE KING'S CORONATION.

**564. \*Mr. S. Satyamurti:** Will the Honourable the Law Member be pleased to state:

- (a) the reasons why the King's Coronation has been postponed from this year to the next year;
- (b) whether the Government of India have been consulted in the matter; and
- (c) if so, what their views are?

**The Honourable Sir Henry Craik:** (a) I would refer the Honourable Member to the Communiqué published on the 9th February, 1937.

(b) No.

#### POSITION OF INDIANS IN ZANZIBAR IN THE MATTER OF CLOVE TRADE.

**565. \*Mr. S. Satyamurti:** Will the Secretary for Education be pleased to state:

- (a) the latest position of Indians in Zanzibar in the matter of clove trade; and
- (b) what steps the Government of India have taken, or propose to take, to relieve the long standing grievances of Indians?

**Sir Girja Shankar Bajpai:** (a) and (b). I have nothing to add to the information that I have already given to the House during this Session in answer to Mr. Avinashilingam Chettiar's question No. 197 asked on the 25th January, 1937, and to Mr. Saksena's question No. 476 asked on the 3rd of this month.

**Mr. T. Chapman-Mortimer:** On a point of order, Sir, Is it in order for Honourable Members to ask the same question twice in the same Session?

**Mr. President** (The Honourable Sir Abdur Rahim): When was the last question asked? It is very difficult. The Chair has considered the question, it is almost impossible for the office to say which question has been answered and which not. If it is an identical question, then, in that case, it may be brought to the notice of the Member asking the question, but what generally happens is a portion of the previous question is repeated and then something else is added, and it is very difficult for office to check it. Besides, the Chair does not think there is any express provision in the Standing Orders dealing with such a matter. Therefore, it is left to Honourable Members representing Government to point out that the question has been answered and this has always been the practice.

**Mr. M. Ananthasayanam Ayyangar:** On our part I submit that we do not have a common understanding and we do not sit down together to send our questions.

**POSITION IN REGARD TO ANTI-INDIAN LAWS IN SOUTH AFRICA.**

**566. \*Mr. S. Satyamurti:** Will the Secretary for Education be pleased to state:

- (a) whether there are any fresh anti-Indian laws in South Africa;
- (b) what the latest position in South Africa is; and
- (c) whether the Government of India are watching the situation closely, with a view to seeing that no new anti-Indian legislation is passed?

**Sir Girja Shankar Bajpai:** (a), (b) and (c). The Honourable Member presumably has in mind the three private Bills dealt with in my reply to Mr. Asaf Ali's short notice question on the 24th February, 1937. I would refer the Honourable Member to that reply and to the answers to the supplementary questions asked on that day. Since then the Select Committee has been appointed. The Government of India have already instructed the Agent-General to give evidence himself and also to give the Indian community in South Africa any assistance that it may need for the purpose of presenting its case.

**REPORT ON INDIANS IN MALAYA.**

**567. \*Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state:

- (a) whether the Government of India have received the report of the Right Honourable Srinivasa Sastri and Mr. Bozman on Indians in Malaya;
- (b) whether they will place a copy of the report on the table of the House; and
- (c) what steps they propose to take to guarantee satisfactory treatment of Indians in Malaya?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) Copies of the report have been placed in the Library of the House.

(c) The Government of India are giving close consideration to all the recommendations in Mr. Sastri's Report and have already addressed the Malayan Government on the question of an immediate increase in wages to which Mr. Sastri attaches importance.

**POSITION OF INDIANS IN CEYLON.**

**568. \*Mr. S. Satyamurti:** Will the Secretary for Education be pleased to state:

- (a) the position of Indians in Ceylon; and
- (b) whether any attempts are being made to settle the Indo-Ceylon question on a properly satisfactory basis?

**Sir Girja Shankar Bajpai:** (a) and (b). The attention of the Honourable Member is invited to the replies given by me on the 5th October, 1936, to his starred question No. 776 and to the supplementaries arising out of it. Since then the Immigration Commission in Ceylon has taken a large volume of evidence and has completed that part of its task. Its Report is awaited. The Agent of the Government of India, besides assisting the Indian Community in preparing its case, also gave evidence before the Commission.

#### ATTEMPT MADE TO REDUCE THE ARMY EXPENDITURE.

569. **\*Mr. S. Satyamurti:** Will the Army Secretary be pleased to state:

- (a) whether there is any attempt to reduce the Army expenditure in the next year;
- (b) if so, the extent of that reduction; and
- (c) if not, why not?

**Mr. G. R. F. Tottenham:** (a), (b) and (c). I would refer the Honourable Member to the budget estimates of the Central Government for the next financial year and the Honourable the Finance Member's budget speech in this House on the 27th February.

#### EXTENSION OF THE UNIVERSITY TRAINING CORPS.

570. **\*Mr. S. Satyamurti:** Will the Army Secretary be pleased to state:

- (a) whether any proposal is pending before the Government for extending the University Training Corps;
- (b) if so, what those proposals are; and
- (c) what has been the attitude of the Government of India all these years?

**Mr. G. R. F. Tottenham:** (a) and (b). The general question of expanding the University Training Corps to provide a training ground for candidates for the newly formed Indian Wing of the Army in India Reserve of Officers, for commissions in the Indian Territorial Force and for regular commissions through the Indian Military Academy was recently examined by Army Headquarters, and it was decided that until a more satisfactory state of efficiency could be attained by the existing units, it would be unwise to consider any schemes for the expansion of the Corps. Endeavours are now being made to improve the efficiency of the existing units, and, among other things, a two to four year syllabus of training has been introduced. The effect of these measures will not be apparent for some time. It has therefore been decided that no application for the expansion of the University Training Corps will be considered until towards the end of this year.

(c) The attitude of Government during past years has been that the requirements of the Regular Army must take precedence over those of the I. T. F. and that more funds could not be provided for the latter until those already supplied were more fully spent and a higher standard of efficiency secured.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether this applies only to the old Universities in which there are University Training Corps, or it also applies to the new Universities in which there are no existing Corps?

**Mr. G. R. F. Tottenham:** The policy applies to all Universities, both those where Training Corps already exist and those where they do not exist.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether Universities which do not possess a Corps will, for the reason that the University Training Corps in other Universities are not efficient, would not be allowed to start a University Training Corps?

**Mr. G. R. F. Tottenham:** That would be a correct conclusion for the present.

**Mr. M. Ananthasayanam Ayyangar:** May I know whether the want of efficiency is due to the training given or to the material supplied?

**Mr. G. R. F. Tottenham:** I cannot enter into the causes. There are, no doubt, a very large number of causes that contribute to the present state of affairs. The point is we are doing our best to remedy any defect in the training.

**Pandit Lakshmi Kanta Maitra:** May I know, Sir, if the curriculum that the Honourable Member referred to is for the U. T. C.s which are to be introduced hereafter or which are already in existence?

**Mr. G. R. F. Tottenham:** The curriculum is intended for the U. T. C.s which already exist.

**Pandit Lakshmi Kanta Maitra:** What is the period?

**Mr. G. R. F. Tottenham:** If the Honourable Member had listened to my answer, he would have heard it.

**Mr. Sri Prakasa:** What is the exact definition of a University with regard to this training corps? Does it include only official Universities or national Universities as well?

**Mr. G. R. F. Tottenham:** I should require notice of that. I do not think it arises.

**Pandit Lakshmi Kanta Maitra:** Is it four years' course?

**Mr. G. R. F. Tottenham:** What I said was—among other things, a two-to four years syllabus of training has been introduced.

#### MANAGEMENT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

571. **\*Mr. S. Satyamurti:** Will the Secretary for Education be pleased to state:

- (a) whether final orders have been passed regarding the management of the Indian Institute of Science, Bangalore;

- (b) whether Government will place on the table of the House all relevant papers in connection with this matter; and
- (c) whether Government are satisfied that the arrangement provides for the fullest freedom for the head of the Institute to pursue his academic research and other work of the Institute in its best interest?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) All the relevant papers were published with the Department of Education, Health and Lands Resolution No. F.-53-3/36-E., dated the 21st November, 1936, copies of which have been placed in the Library of the House.

(c) Government are satisfied that the arrangements approved are in the best interests of the Institute and should not limit the Director's freedom to pursue his academic research.

#### POSITION WITH REGARD TO THE RAIL-ROAD COMPETITION.

572. \***Mr. S. Satyamurti:** Will the Honourable the Industries Member be pleased to state:

- (a) the latest position with regard to the rail-road competition;
- (b) whether there has been any proposal to restrict the plying of buses and lorries, in order to stimulate railway traffic;
- (c) whether any definite attempt will be made to fix this competition on a sound and healthy basis before the Federal Railway Authority comes into being; and
- (d) if not, why not?

**The Honourable Sir Frank Noyce:** (a) and (b). The Honourable Member is referred to the Concise Statement of policy adopted at the second meeting of the Transport Advisory Council in July, 1936, a copy of which was laid on the table on the 18th September, 1936, in reply to a supplementary question to question No. 290 asked by him on the 10th September. The Transport Advisory Council consists of representatives of provinces and the Statement represents the policy arrived at after consultation with representatives of Local Governments at the Transport Advisory Council. It will be seen from Article 2 of Part II of the Statement that the principle laid down is that, in determining whether licenses should be granted in respect of specified routes, regard should be had to the extent to which the needs of the routes are already served, the extent to which the proposed services are desirable in the public interest, the traffic needs of the area as a whole including the need to link up with railways and other routes. The intention is not, as the Honourable Member puts it, to stimulate railway traffic but to co-ordinate both forms of traffic.

The Bill to amend the Indian Motor Vehicles (Amendment) Act, which was introduced in the Assembly on the 3rd September, 1936, and circulated for opinion, is designed to give effect generally to Part II of the Concise Statement of policy. Government have decided not to proceed with the Bill pending consideration of the report of the Wedgwood Committee whose terms of reference include the question of road-rail competition.

(c) The Government of India believe that, if the policy formulated by the Transport Advisory Council is put into effect, competition will be put upon a sound and healthy basis.

(d) Does not arise.

JUDGES OF THE FEDERAL COURT.

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

- (a) whether the Judges of the Federal Court have been appointed;
- (b) if so, the names thereof; and
- (c) when they expect to take charge?

**The Honourable Sir Henry Craik**: (a) and (b). It has already been announced that His Majesty has approved the appointment of Sir Maurice Gwyer as Chief Justice of India. No announcement has been made about the appointment of the other Judges.

(c) 1st October, 1937.

**Mr. B. Das**: Does that presuppose that Federation will come into operation on the 1st of October?

**Mr. President** (The Honourable Sir Abdur Rahim): That does not arise.

**Mr. Sri Prakasa**: Does that mean that Federation will come into existence from 1st October?

**The Honourable Sir Henry Craik**: You have already ruled that the question does not arise.

**Mr. B. Das**: What will the Federal Judges do, if there is no Federation?

**The Honourable Sir Henry Craik**: If the Honourable Member will read the Government of India Act, he will see.

**Mr. Sri Prakasa**: In view of the fact that the Honourable Member has stated that His Majesty has approved of the appointment of the Chief Justice, may I know who is the appointing authority?

**The Honourable Sir Henry Craik**: The appointment is made, under the Act, by His Majesty.

**Mr. Sri Prakasa**: Then, what is meant by the statement that His Majesty's approval has been obtained?

**The Honourable Sir Henry Craik**: As far as I am aware, that is the usual form of words used.

CONSULTATION OF THE GOVERNMENT OF INDIA IN THE APPOINTMENT OF THE CHIEF JUSTICE OF THE MADRAS HIGH COURT.

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

- (a) whether they are not consulted by the Secretary of State for India, before he submits his recommendations for Chief Justice's post to His Majesty; and

- (b) whether they were consulted, in so far as the appointment of the Chief Justice of the Madras High Court was concerned?

**The Honourable Sir Henry Craik:** (a) and (b). The Governor General in Council has no part in the appointment of permanent Judges of High Courts under the present Government of India Act or under the new Act.

**Mr. M. Ananthasayanam Ayyangar:** May I know if the Government of India are not consulted by the Secretary of State in the matter of the appointment of the Chief Justice of the Madras High Court.

**The Honourable Sir Henry Craik:** They never are.

**Mr. Sri Prakasa:** At what stage does the approval of His Majesty arise to these appointments?

**The Honourable Sir Henry Craik:** When His Majesty receives advice from his constitutional advisers.

**Mr. M. Ananthasayanam Ayyangar:** May I know what is the source of information on which the Secretary of State acts?

**The Honourable Sir Henry Craik:** That has nothing to do with the Government of India. I am only concerned to answer question on matters with which I deal in an official capacity.

**Mr. Sri Prakasa:** Did not Government recommend this appointment?

**The Honourable Sir Henry Craik:** No.

**Mr. Sri Prakasa:** Then, was His Majesty . . .

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

#### LEGISLATIVE PROGRAMME OF THE LEGISLATIVE ASSEMBLY IN THE DELHI AND SIMLA SESSIONS.

575. **\*Mr. S. Satyamurti:** Will the Honourable the Law Member be pleased to state what the legislative programme of the Government of India is before the Delhi and Simla Sessions of the Legislative Assembly this year?

**The Honourable Sir Frank Noyce:** As far as can be foreseen at present after the disposal of the Finance Bill Government will seek to proceed with the following pending Bills during the current Session:

The Indian Railways (Amendment) Bill,

The Manœuvres Field Firing and Artillery Practice Bill,

The Trade Disputes (Amendment) Bill,

The Indian Red Cross Society (Amendment) Bill.

The Civil Procedure Code (Third Amendment) Bill, and

The Repealing and Amending Bill;

and also with the following Bills which will shortly be introduced, namely:

A Bill to amend the Indian Evidence Act, and

A Bill to amend the Indian Oaths Act.



The Insurance Bill and any of the foregoing Bills which may not be disposed of during the current Session will be taken up during the Simla Session. It is not at present possible to anticipate what further legislative business will be brought forward during the Simla Session.

**PROPOSALS TO RE-ARRANGE THE PROVINCIAL AND FEDERAL FINANCE.**

576. **\*Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether there are any proposals to re-arrange Provincial and Federal Finance, before Provincial Autonomy and Federation start; and
- (b) if so, what they are?

**The Honourable Sir James Grigg:** (a) and (b). If the Honourable Member is enquiring whether it is proposed to modify the Niemeyer recommendations, the answer is no.

**REPORT ON THE RESULTS OF ELECTIONS IN THE PROVINCES.**

577. **\*Mr. S. Satyamurti:** Will the Honourable the Law Member be pleased to state:

- (a) whether the Government of India have sent or propose to send any report to the Secretary of State on the results of the elections in various Provinces;
- (b) if so, whether they will place a copy of the report on the table of the House; and
- (c) if not, why not?

**The Honourable Sir Frank Noyce:** (a) to (c). The Government of India have asked the Local Governments for a statement showing the results of elections to the various Provincial Legislatures. A copy of the return will be placed in the Library of the House in due course.

**\* NOMENCLATURE OF THE BENGAL AND NORTH WESTERN RAILWAY.**

578. **\*Mr. Sri Prakasa:** (a) Why is the Bengal and North Western Railway so called?

(b) What part, if any, of its line runs either in Bengal or in the North West (Frontier) Province?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) The Bengal and North Western Railway Company was incorporated for the construction and working of a railway line traversing Bengal and the North-West Provinces as then known.

(b) None.

**Mr. Sri Prakasa:** In view of the fact that the name of my province has since been changed owing to the depredations of this Government northwards and westwards, will not Government get the name of this railway also changed?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir.

**PERFORATED PIPES PROVIDED IN THE LATRINES OF THE INTERMEDIATE CLASS COMPARTMENTS OF THE EAST INDIAN RAILWAY.**

**579. \*Mr. Sri Prakasa:** (a) Is it a fact that most of the latrines in the intermediate class compartments of the East Indian Railway are provided with perforated pipes running all round from which water comes out simultaneously with the main spout?

(b) Are these pipes meant for convenience in washing the apartment?

(c) Are Government aware that persons using the latrine are greatly inconvenienced by a simultaneous flow of water all round?

(d) Do Government propose to recommend that the main spout and the perforated pipes be disconnected from one another?

**The Honourable Sir Muhammad Zafrullah Khan:** The information is being collected and will be laid on the table of the House in due course.

**FACILITIES FOR SERVANTS TO TRAVEL WITH THEIR MASTERS ON THE EAST INDIAN RAILWAY.**

**580. \*Mr. Sri Prakasa:** (a) Is it a fact that in the train called the *Deccan Queen*, running between Bombay and Poona on the Great Indian Peninsula Railway, direct access is given from the servants' to the first and second class compartments?

(b) Is it not a fact that in the earlier days similar arrangements were also available in some bogies on the East Indian Railway?

(c) Are Government aware that sometimes railway officials allow, sometimes overlook and sometimes object, to servants being found in the first and second class compartments with their masters and do Government propose to take early steps to frame rules making the point clear and giving facilities for servants to travel with their masters?

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

(b) Possibly.

(c) I would refer the Honourable Member to the reply I gave to his starred question No. 220 on the 25th January, 1937.

**Mr. Sri Prakasa:** Why is there a differentiation made between the *Deccan Queen* and other trains in this matter?

**The Honourable Sir Muhammad Zafrullah Khan:** The Honourable Member himself suggested that the question of framing rules might be considered and the matter will be considered.

**Mr. Sri Prakasa:** Will the Honourable Member also send a copy of this question and the answer to the authorities concerned when they are considering my previous questions?

**The Honourable Sir Muhammad Zafrullah Khan:** Very good, if that will in some way give satisfaction to the Honourable Member.

PROVISION OF HEAD-RESTS ON ROADS IN NEW DELHI.

581. **\*Mr. Sri Prakasa:** (a) Is it a fact that in New Delhi no raised platforms as head-rests are provided on the road side for persons carrying loads on their heads to rest from time to time?

(b) Are Government aware that tired persons, when they put their loads down on the ground to rest, find it exceedingly difficult to raise them again unaided?

(c) Are Government prepared to take early steps to provide head-rests at convenient distances on all roads?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) and (c). Because of the considerations stated in part (b), I am having the Honourable Member's suggestion in part (c) examined.

**Mr. Sri Prakasa:** May I take it that the suggestion will be sympathetically examined?

**Sir Girja Shankar Bajpai:** Quite so, Sir; yes.

MOTIONS FOR ADJOURNMENT.

ARREST OF A MEMBER OF THE LEGISLATIVE ASSEMBLY AND SUBSEQUENT WITHDRAWAL OF PROCEEDINGS AGAINST HIM.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Chair has received three notices of motions for the adjournment of the House. Two of them (one by Mr. Ganga Singh and the other by Mr. Kailash Behari Lal) have, the Chair understands, been withdrawn. There is a notice by Sardar Sant Singh who intends "to ask today after the question hour the leave of the House to make a motion for adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the hasty action in arresting a Member of this House as shown by the subsequent withdrawal of the proceedings against him, thereby casting a reflection on the dignity of the House".

When was the Honourable Member arrested?

**Sardar Sant Singh** (West Punjab: Sikh): I think he was arrested sometime on the 3rd of February.

**Mr. President** (The Honourable Sir Abdur Rahim): When was the case withdrawn?

**Sardar Sant Singh:** Day before yesterday at about 4 p.m., and the matter was published in the papers yesterday.

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

**The Honourable Sir Henry Craik** (Home Member): Yes, Sir, I take several objections. In the first place, I take the objection that no motion of adjournment can be moved on a matter about which a Resolution cannot be moved. Now, Sir, a Resolution cannot be moved about a matter which is still under adjudication by a Court of law having jurisdiction.

**Mr. President** (The Honourable Sir Abdur Rahim): What matter is under adjudication now?

**The Honourable Sir Henry Craik**: There is a charge still pending against several persons, and although no further proceedings are contemplated against the gentleman named in the motion, further proceedings are contemplated against other persons, I am informed; and I submit that it will be impossible to discuss this motion or to justify the action which is the subject of the motion without going into the evidence and the material on which the charges against other persons still under investigation are based. That is my first objection. I have other grounds too. In the first place, the motion is worded to discuss a definite matter of urgent public importance, *viz.*, "the hasty action in arresting a Member of this House". Well, I submit that the fact that the gentleman in question is a Member of the House makes no difference whatever. You have already ruled in connection with the motion on the alleged privileges of Members of this House on the 27th February, 1936, that:

"The privilege which is enunciated here does not go further than to exempt a Member of the Assembly from any proceedings in any court of law by reason of his speech or vote in the Chamber or by reason of anything contained in any official report of the proceedings."

That is to say, that the only privilege is the privilege in respect of words uttered or a vote given in this Chamber: there is no privilege in respect of arrest or anything done or alleged to be done outside the Chamber. Then, Sir. . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The matter is raised as a question of privilege, so far as the Chair understands?

**The Honourable Sir Henry Craik**: That is indirectly brought in by the wording of the motion.

**Mr. President** (The Honourable Sir Abdur Rahim): The object is, as the Chair understands, to censure the Government for hasty action against a Member of this House?

**The Honourable Sir Henry Craik**: It does not say "hasty action of the Government". It was action of a judicial court. The words are: "hasty action in arresting a Member of this House as shown by the subsequent withdrawal of the proceedings against him, thereby casting a reflection on the dignity of this House".

Those words, showing that the gentleman arrested is a Member of this House, and the fact that the action is alleged to have cast reflection on the dignity of the House appear to me to indicate that in the mind of the Mover there is an intention of bringing in the question of privilege, and I submit that under the ruling which I have quoted there is no privilege in this matter.

Then, I take a further and more important objection, *viz.*, that it has been held by yourself and by your predecessors in the Chair that a motion of adjournment cannot be based on action taken by a judicial authority in the exercise of its statutory powers. This arrest was made, not by the police, but on a warrant issued by a magistrate. The charge in this matter

is a non-cognizable charge which the police are not entitled to investigate without the authority of a magistrate and on which they are certainly not entitled to make an arrest.

**Mr. President** (The Honourable Sir Abdur Rahim): Did Government take any initiative in this matter?

**The Honourable Sir Henry Craik**: None whatever; the initiative was taken by the Court.

**Mr. President** (The Honourable Sir Abdur Rahim): Was any complaint made by the Government?

**The Honourable Sir Henry Craik**: No, Sir. The alleged offence in respect of which certain arrests were made is said to have been committed in the presence of a magistrate, but Government had no previous knowledge of the matter at all, and I submit that action taken by a Court, in the exercise of its statutory powers, cannot be made the subject-matter of a motion for adjournment. I would refer you in this connection to your own ruling in regard to a motion for adjournment that was sought to be moved in respect of an order under section 144 of the Criminal Procedure Code—your ruling of the 21st September, 1936, and I believe, though I have not had time to look up others, there are various other rulings of a wider nature than that holding that the ordinary action of Courts cannot be made the subject of a motion for adjournment.

**Mr. President** (The Honourable Sir Abdur Rahim): The motion seems to suggest that some action was taken by the Government, that some application was made by the Government for taking action?

**The Honourable Sir Henry Craik**: That is not so, Sir.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Under what section of the Criminal Procedure Code was the arrest made?

**The Honourable Sir Henry Craik**: I think it is section 161 of the Penal Code read with the abetment section, which is not a cognizable offence.

**Mr. President** (The Honourable Sir Abdur Rahim): Under what section?

**The Honourable Sir Henry Craik**: Speaking from recollection, I think it was section 161.

**Mr. M. A. Jinnah**: I want to know the section, because I want to know if the arrest was made by a judicial authority or by the executive authority.

**The Honourable Sir Henry Craik**: By a judicial authority; the arrest was made on a warrant issued by the District Magistrate.

**Mr. M. A. Jinnah**: Who made the complaint?

**The Honourable Sir Henry Craik**: The police supplied the materials to the District Magistrate.

**Sardar Sant Singh:** Sir, this motion is, I submit, in order.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member had better answer the objections taken to the motion by the Honourable the Home Member.

**Sardar Sant Singh:** The first objection is that no motion can be made about the adjournment of the business of this House if the subject-matter cannot be the subject-matter of a Resolution. I submit that this matter can be the subject-matter of a Resolution in this House. I do not see any force in the first objection.

**Mr. President** (The Honourable Sir Abdur Rahim): As regards the Resolution, the Chair thinks the rule referred to by the Honourable the Home Member is Rule 8 (1) (iii) which relates to any matter which is under adjudication by a Court of law.

**Sardar Sant Singh:** The reply to that is that so far as this particular case is concerned, it is not *sub judice* at all.

**Mr. President** (The Honourable Sir Abdur Rahim): No, no. The objection taken by the Home Member is that, though this particular gentleman has been discharged, there are other persons implicated and the case is still under investigation.

**Sardar Sant Singh:** My submission is that I am not proposing to censure the Government on this point whether the proceedings were right or wrong.

**Mr. President** (The Honourable Sir Abdur Rahim): That is not the point. The matter is under adjudication by a Court of law. Does not that cover the whole case?

**Sardar Sant Singh:** My submission is that the matter of arrest is not under adjudication at all. I confine my objection only to this point that the gentleman was arrested without any reasonable evidence against him as shown by the subsequent withdrawal of the case.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member does not appear to have really understood the objection. The objection taken by the Honourable the Home Member is that the case, in connection with which this gentleman was arrested, is still under investigation with respect to other persons who are implicated.

**Sardar Sant Singh:** So far, he is right; and I am not disputing the point that the matter is still under investigation or under inquiry in a Court of law. But my submission is that my motion does not refer to that matter at all.

**Mr. President** (The Honourable Sir Abdur Rahim): But if a motion of adjournment is allowed, the whole question will be ripped open in the discussion, and it will involve matters which concern other persons as well. That is the difficulty.

**Sardar Sant Singh:** My submission is that the wording of my motion excludes this possibility or the relevancy of the facts of the case at all. What I submit is that a Member of this House was arrested without any evidence as shown by the subsequent withdrawal. I am not entering into the merits of the case which is either pending or will be brought before the Court. As a matter of fact, we know nothing what the matter is that is pending. We know only one thing, and that is that a Member of this House was arrested and he has been discharged.

**Mr. President** (The Honourable Sir Abdur Rahim): That is the first objection. But does it make any difference? Suppose this applies to an ordinary man, does it make any difference that the person who was arrested is a Member of this House?

**Sardar Sant Singh:** No, Sir, I do not think it will make any difference except in so far as the gravity of the situation that is created. This particular news was flashed. . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair wants to deal with the question of the rules. The question is whether the fact that this gentleman who was arrested is a Member of this House makes any difference so far as the point of order is concerned?

**Sardar Sant Singh:** On a point of order it would not make any difference. He had to absent himself from the House, but I do not think that would make much difference.

**Mr. President** (The Honourable Sir Abdur Rahim): Was he prevented from attending the meetings of the Assembly?

**The Honourable Sir Henry Craik:** No, Sir.

**Sardar Sant Singh:** I think he did not attend for some days so far as my information goes.

**Mr. President** (The Honourable Sir Abdur Rahim): But the Home Member says he was not prevented from attending the Assembly.

**Sardar Sant Singh:** The Honourable the Home Member has quoted from your ruling of the 27th February, 1936. In that ruling the Chair was very clear. This ruling is on page 1783. I will quote from paragraph (1):

"But, if the question of privilege raised is a definite matter of urgent public importance, which is also primarily the concern of the Governor General in Council, and the main object of the motion is to discuss and criticise the conduct of the Government in the matter, it can be dealt with by a motion for adjournment, subject of course to the restrictions and limitation laid down by the rules and standing orders in that connection."

Here my motion proposes to criticise the conduct of the Government and that is the main object of it.

**The Honourable Sir Henry Craik:** What did the Government do?

**Sardar Sant Singh:** The conduct of the Government was that they made a complaint without any evidence in their hands.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair understands that the Government have done nothing of the kind.

**Sardar Sant Singh:** I can quote from the *Statesman* which published this news on the 3rd or 4th of this month. It said that the Director of the Intelligence Bureau made this complaint.

**The Honourable Sir Henry Craik:** That is entirely inaccurate.

**Sardar Sant Singh:** That was published in the press. Even if we are to suppose that it is a non-cognizable matter, as submitted by the Honourable the Home Member, a complaint must be made to the District Magistrate before any warrant can be issued. Who lodged that complaint?

**The Honourable Sir Henry Craik:** The Delhi Police.

**Sardar Sant Singh:** It was the Government of India or some officer connected with the Government of India.

**The Honourable Sir Henry Craik:** That is not the case at all.

**Mr. President** (The Honourable Sir Abdur Rahim): The Home Member denies that the Government of India had anything to do with this complaint.

**Sardar Sant Singh:** It may be some officer of the Executive Department. Delhi is within the direct control of the Government of India; the case was made here; the District Magistrate is under the Government of India here; and it is for the Government to enlighten us on the point as to who made the complaint and under whose authority it was made. Somebody did make the complaint.

**Mr. President** (The Honourable Sir Abdur Rahim): Surely, the Honourable Member himself could find it out from the proceedings of the Court of the Magistrate as to who made the complaint before moving this motion.

**Sardar Sant Singh:** One of the officers must have made the complaint. It is for the Government of India to tell us whether they made the complaint or the complaint was made without their knowledge or authority. Ordinarily, we can only suppose that authority must have been given particularly when a Member of this Assembly was involved and he was to be arrested.

**Mr. President** (The Honourable Sir Abdur Rahim): When the Honourable Member is moving this motion, he must be prepared with facts to show that the Government of India are concerned.

**Sardar Sant Singh:** So far as the newspaper reports are concerned, I have already referred to the report that appeared in the *Statesman*, but, the Honourable the Home Member said that it was incorrect. Other reports which appeared in the *Hindustan Times* were to the effect that some officer of the Central Intelligence Bureau instituted these proceedings.

**The Honourable Sir Henry Craik:** That is quite wrong.

**Sardar Sant Singh:** If there was no complaint, my position is still stronger, that the executive got warrants issued without preferring any complaint in a non-cognizable case.

I have nothing more to say.



**Mr. President** (The Honourable Sir Abdur Rahim): Objection has been taken by the Honourable the Home Member on several grounds. As regards the facts, so far as the Chair has been able to gather from the statement made by the Honourable the Home Member, no initiative was taken by the Government of India nor was there any complaint by the Government of India in connection with this matter, or rather in connection with the prosecution of a Member of this House. Further, objection taken on behalf of the Government is that the case is pending against some other persons though the Member of the Assembly, who was also arrested in connection with this matter, has been discharged. Rule 23 (1) (iii) says:

"any matter which is under adjudication by a court of law having jurisdiction in any part of His Majesty's dominions"

cannot be the subject-matter of a Resolution, and this Rule applies to adjournment motions as well. Similarly, the Chair has no doubt that when there is a charge against a number of persons affected, and the charge has been withdrawn against some of the persons, but is still under investigation against other persons, that would be covered by this rule which prohibits any matter under adjudication being discussed before this House. The Chair need not, therefore, go into other points raised, and the Chair rules that the motion is out of order.

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### ELECTION OF MEMBERS TO THE CENTRAL ADVISORY BOARD OF HEALTH.

**Mr. President** (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Saturday, the 6th March, 1937, the time fixed for receiving nominations for the Central Advisory Board of Health, only two nominations were received. As the number of candidates is equal to the number of vacancies, I declare Pandit Lakshmi Kanta Maitra and Lieut-Colonel Sir Henry Gidney to be duly elected.

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### THE GENERAL BUDGET—LIST OF DEMANDS—contd.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume discussion of the Demands for Grants. As regards the time which has been allowed by agreement of Parties to Honourable Members who do not belong to any Party, the Chair understands that there is still half an hour left. So, any Member of that Group or any Member who does not belong to any Party, if he wishes to move his motion, will have half an hour to do so. The Honourable Member must also bear in mind that unless there has been sufficient debate, the motion cannot be put to the House.

#### DEMAND No. 12—EXECUTIVE COUNCIL.

##### *Labour Grievances.*

**Mr. N. M. Joshi** (Nominated: Non-Official): Sir, I shall raise only small points so that the discussion on these points will not be very long. The

[Mr. N. M. Joshi.]

motion which I propose to discuss is No. 111 on the list of motions. I beg to move:

“That the demand under the head ‘Executive Council’ be reduced by Rs. 100.”

My object in putting forward this motion is to draw the attention of the Government to some of the labour grievances. But before I do so, with your permission, I shall associate myself with what the Honourable Member in charge of Industries and Labour had said on the last occasion in paying a tribute to the memory of the late Sir Bhupendra Nath Mitra. I had worked with the late Sir Bhupendra Nath Mitra for five years in this Assembly and on several occasions at Geneva, and, with my knowledge of his work, I have no hesitation in saying that by his death the working classes of this country have lost a sincere and very sympathetic friend. I also thank the Honourable Member in charge of Industries and Labour for the kind words he said on the last occasion about myself. May I, with your permission, Sir, express my appreciation of the efforts which the Honourable Member has put forth for improving the conditions of the working classes of this country during his five years tenure as a Member of the Government of India.

I shall as my first labour grievance speak a few words about the statement which the Government of India have issued as regards forced labour or compulsory labour. In reply to a supplementary question asked by myself, the Honourable the Home Member had agreed to publish the information received from the Provincial Governments on the subject of compulsory labour. The Government of India have now issued a statement, and I find that that statement does not contain much information. I want the Government of India to publish all the information which they have received from the Provincial Governments. I have no doubt that the Government of India have no interest in concealing any facts which they have received from the Provincial Governments on the question of compulsory labour. I, therefore, hope that they will agree to my request for publishing all the information which they have received from the Provincial Governments on this subject. I do not wish to make any more remarks about this statement except that I will make it clear that I do not agree with some of the conclusions which the Government of India have expressed in that statement. I would like to ask another small question of the Government. They state in their statement that the Government of India have decided that certain sections of the statutes concerning this subject will be repealed when the Acts are next under revision. I should like to know whether these Acts are likely to be revised very soon, and if they are not likely to come into revision, I would like the Government of India to take steps to revise them at an early date.

Having dealt with the subject, I would like to put before the House a small point about some of the inferior servants and the postmen of Bombay. The Government of India have reduced the rent allowances paid to the postmen and the inferior servants by Rs. 2. The ground given is that the Government of Bombay have reduced the rent allowance of their servants of similar status. In the first place, I have already pointed out that the Government of India do not do all that the Bombay Government do for their inferior servants. The Bombay Government have much larger pension rates for their inferior servants, while the Government of India

pay a very niggardly pension. So, if the Government of India are willing to follow the Bombay Government in all matters, the Government of India may do this, but the Government of India do not follow the Bombay Government in all matters and the justification given by the Government of India is really not a valid one. Moreover the reason for the reduction made in rents by the Bombay Government is this. The Bombay Government provide quarters to their employees, and when they find that the employees do not occupy those quarters, but claim house-rent allowance, the Bombay Government, in order to put some kind of pressure upon their employees, have reduced the rent a little bit. Though they reduce the rent, yet they are actually giving quarters to their employees. The Government of India do not actually provide quarters to their employees for the rent they pay. This is a great difference, and I should like the Honourable Member in charge with his usual sympathy for the poor people, to look into this question and not merely follow the advice of his officers. What is represented as being the action of the Bombay Government is not really the action of the Bombay Government in the proper sense. The Bombay Government have provided quarters, and if their employees do not go to those quarters, then they pay a smaller rate of house rent allowance.

Then, Sir, with regard to other labour grievances, I propose to give some time to my Honourable friend, Mr. Giri.

**Mr. President** (The Honourable Sir Abdur Rahim): Cut motion moved:-

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

**Mr. V. V. Giri** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I rise to make a few observations with reference to the grievances of the postal workers. These grievances fall under different categories. The first grievance is insecurity of service. I desire to state that under the old rules the postal workers including the lowest grade of workers had a right of appeal even to the Government of India. Under the new rules they have restricted the right of appeal a good deal. For instance, if a gazetted officer or a Presidency Post Master punishes an employee, the right of appeal only lies to the Post Master General; and in the circumstances the employees feel that their right of appeal is greatly curtailed. Then, the right of an individual to represent his individual grievance has been withdrawn. Not only that, but the right of a recognised trade union representing the workers to utilise the right of representation of individual grievances of the members has also been withdrawn. I will refer in this connection to the observations made by the Royal Commission on Labour at page 324 of their report:

"In our view recognition should mean that the employer recognises the right of the union to negotiate with him in respect of matters affecting either the common or the individual interests of its members. The employer who discriminates in the matter of promotion against union men or in any other way tries to weaken the influence of the union he has recognised is in no way better than the employer who denies recognition outright and is as little likely to advance the cause of peace."

On the other hand, I am informed that the Director General has, in a recent circular, given latitude to the heads of departments to make damaging remarks in the history sheets of the workers without giving them an opportunity to rebut the charges made in that sheet. This is a great encroachment on the rights of the workers, and it really affects their

[Mr. V. V. Giri.] security of service. I desire that the Director General should consider these aspects of the matter and remedy these evils. On the other hand, the rights of the workers regarding freedom of association is being infringed in certain divisions of the Postal Department. I have been informed that in the Punjab and the North-West Frontier, in the Sialkot Division, the Superintendent there has been victimising workers for taking active part in trade unions. For aught I know, I always thought that the Industries and Labour Department, specially the Director General, was encouraging trade unions; but if this is a fact, I feel that the workers have a genuine grievance, and I do hope the department will inquire into this matter and see that this is remedied.

Then there are certain grievances with regard to house-rent allowances received by certain low paid staff. It appears that the inferior staff at Delhi and Lahore and other places are granted certain house allowances,—Rs. 5 and Rs. 2. Unless Government are in a position themselves to supply houses to these workers, they should, I submit, increase the house-rent allowances, because in places like Delhi and Lahore it is impossible to get reasonable and convenient accommodation at such low rates. I do hope that the Director General will look into these reasonable grievances.

The next grievance, I should like to submit, is with regard to the promotion of postmen into the clerical cadre. There are certain postmen who are matriculates and I am told there are even postmen who are undergraduates of universities. I feel that provided they show their fitness they should be allowed, in preference to outsiders, to have a chance to get into clerical positions.

Then, there is the grievance regarding outstation allowances of the R. M. S. staff. I am told that the inferior staff are allowed one anna, when they are outside their headquarters, for every 12 hours of their duty. But this is a ridiculous position. I am informed that for the first 12 hours these inferior staff are not allowed one anna for the 12 hours on the ground that they are expected to carry their food and to eat at the end of the 12th hour. But I am sure the Government of India who have been increasing their postal revenues,—from a deficit they are now having a surplus,—would look into this very minor and very reasonable grievance of the worker and remedy it.

Then, there is still the persistent complaint that sufficient leave reserves have not been maintained, and the inferior staff are not able to enjoy their privilege leave and casual leave. On the other hand, I am told that inferior servants, who are in service prior to 16th July, 1931, do not get full pay while on leave. This is to be deprecated, because when workers, and specially the poor workers, are on leave they will be compelled to spend more money, and I do hope that this grievance also will be remedied by the Department concerned.

Sir, I do not wish to read out a catalogue of the other grievances, I hope these grievances, at any rate, which seem to me to be most reasonable will be attended to by the Department concerned.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, in addition to the grievances mentioned by the two previous speakers, I will draw attention to the fact that there are not sufficient post offices in the rural areas.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, on a point of order, may I know how that is relevant to labour grievances?

**Mr. Lalchand Navalrai**: The labourers suffer on account of the want of sufficient post offices. If you give them many rural post offices, they can make use of them and one of the grievances of these people will be remedied.

**Mr. President** (The Honourable Sir Abdur Rahim): That is stretching it too far, and is not in order.

**Mr. Lalchand Navalrai**: Then, I have nothing more to say now.

**Pandit Nilakantha Das** (Orissa Division: Non-Muhammadan): Sir, I should like to ask a question before the Government Member replies.

**The Honourable Sir Frank Noyce**: Sir, as there is only half an hour available, may I ask whether Government will be given sufficient time to reply?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member only wants to ask a question.

**Pandit Nilakantha Das**: Sir, the question of forced labour has been raised. There is not much time to discuss it, but I should expect my Honourable friend to state the position with regard to forced labour in the provinces in many of which it prevails in a most barbarous fashion. So we should like to know the position of Government with regard to this matter.

**Mr. J. A. Thorne** (Government of India: Nominated Official): Sir, with regard to the point just raised by my Honourable friend and which was also mentioned by Mr. Joshi just now, I gather that the point is that the press note, which was recently issued from the Home Department, showing the action taken by various Governments in India on the draft convention with regard to forced or compulsory labour which was adopted by the International Labour Conference in 1930, is not sufficiently detailed. I do not want to take up a part of this precious half an hour: I think I can say at once that we will undertake to make available to Members of this House detailed information as to the forms of forced or compulsory labour which are found in the various areas, the instructions issued by the Government of India, and the information supplied by Local Governments as to the steps taken in consequence. Mr. Joshi's other point is that we should proceed as soon as possible to repeal two sections of the various enactments—one in the Northern India Canal and Drainage Act of 1873, and the other in the Bengal Regulation of 1906—which we have agreed should be repealed if we are to fulfil our obligations under the convention. I would point out that those provisions have been definitely put out of action in the meanwhile; but I can assure the House that the earliest steps will be taken to fit the repeal of these provisions into our legislative programme.

**Mr. G. V. Bewoor** (Director General of Posts and Telegraphs): Sir, in the short time at my disposal, I will try to deal with some of the points raised by my friend, Mr. Joshi, and by my friend, Mr. Giri. In my speech of last year, I dealt with a number of these grievances. It is not quite clear where the information that the Honourable Members give comes from: but one postal union, when presenting an address to a Postmaster General recently, defined man as a being with grievances. That was the best definition they could find about a man. Certain people seem to enjoy being miserable and our unions . . . . .

**Mr. N. M. Joshi:** May I say that certain people enjoy making others miserable? (Laughter.)

**Mr. G. V. Bewoor:** There have been a large number of grievances which we have attempted to remove, and I admit there are certain others which are at present under consideration. The organisation of the department affords to its employees full opportunities to represent their side of the case. We have thirteen recognised all-India unions each of which has got its provincial branch, its district branch and its city or town branch. They have easy access to the officers of the department and their written representations are replied to in full detail giving the reasons which this Department has for not accepting certain claims made by the employees. It is obviously impossible in the time at my disposal in this House to explain fully the grounds on which Government has been unable to meet certain of the so-called grievances of the employees. In this connection, I think it will be useful to read to this House what one of the distinguished Members of this House on the opposite side, who takes a keen interest in postal and telegraph matters, said, when addressing certain members of a postal union. He said:

"So far as I have been able to judge and see the Government do take care of their servants even at the expense of the non-official public and have provided avenues for the ventilation and the redress of their grievances on which perhaps it would not be proper or safe for an outsider to intrude."

That is the opinion of one of the Members on the opposite side who presided at a meeting of a union . . .

**An Honourable Member:** What is the name of the Honourable Member?

**Mr. G. V. Bewoor:** Mr. Sri Prakasa.

**Mr. N. M. Joshi:** He was in his usual jocular mood!

**Mr. G. V. Bewoor:** I would, therefore, simply observe that it is somewhat a waste of the time of this august House to deal with such small matters. However, I am prepared to explain, as briefly as I can, the views of the administration and of Government with regard to certain grievances that have been raised. I will take first of all Mr. Joshi's complaint about the reduction of the house-rent allowance for postmen and inferior servants in Bombay. This allowance used to be Rs. 8-8 per individual per month. Recently, owing to the general fall in prices of food stuffs and house rents, we reviewed this question. The question of house rent allowance is always under revision and is liable either to be raised or to be decreased according to changes in local circumstances. We consulted not merely the Local

Government. We did not merely follow slavishly what the Local Government had done. We were perfectly aware of the consideration mentioned by Mr. Joshi, which perhaps led to the Local Government fixing a very low house rent allowance; but we consulted the municipality of Bombay, we consulted the Labour Commissioner to find out what was the average amount spent on house rent by various employees of the department and outsiders of similar status, and we came to the conclusion that the house rent allowance of Rs. 8-8 was excessive. In fact, I consider that Government have been liberal in allowing a house rent allowance of 6-8 to employees of this class. I should like to make it clear that house rent allowance is not given to meet in full the house rent which an employee has to pay: it is an allowance to meet the excessive cost of house rent in any particular area. On the same grounds, house rents in Delhi, Lahore, Madras or Calcutta will be examined and will be fixed as local circumstances may justify.

**Pandit Lakshmi Kanta Maitra** (Presidency Division: Non-Muhammadan Rural): Do you maintain any standard of house rent?

**Mr. G. V. Bewoor:** We always inquire from Local Governments what people of the class to which our people belong are paying; there is no question of a standard because families and circumstances vary.

Next I come to the question of appeal rules which was raised by Mr. Giri. These appeal rules apply not merely to the Posts and Telegraphs Department but to all Departments of Government, and we are merely following the general orders of Government. A deputation of the union waited on the Honourable Member and the question was fully considered and the Union was told that the circumstances of the department did not justify any material departure from the general orders of the Government but that Government was prepared to consider any small alteration which the Union could justify by reasons. We have been waiting for four years for a reasoned statement from the Union on this subject and it has yet to come. That to me is clear proof that there is no such serious grievance as is sought to be made out of the new appeal rules. On the question of representation of individual grievances of unions, Mr. Giri observed that this concession had been withdrawn. I think he is wrong: it was never given. There is no question of withdrawing it because it never existed. Individuals have their usual methods of approaching Government by appeals and petitions; and there is no reason why unions should be permitted to take up individual cases. Here again we are following the general practice which applies to all departments of the Government.

Mr. Giri further stated that recently we have allowed damaging reports to be entered in the character sheets of the employees by higher officers without giving an opportunity to the employees for making representations. That, Sir, is not quite correct. Here again we are following the general orders of Government which apply to entries in character sheets of all Government servants including myself. If any damaging entry is made in the character sheets, the rules lay down that a copy of it should be communicated to the employee. When he receives this damaging report, it is open to him to put in a representation against any such damaging report. That will then be considered by the officer who has made the entry, and he will communicate his decision. If the employee is dissatisfied with his decision, he can then appeal to the next higher authority . . .

**Pandit Lakshmi Kanta Maitra:** On a point of information, Sir. When an officer makes a report in the character sheets of an employee, is the appeal to be made to the very officer who makes these entries in the character sheets?

**Mr. G. V. Bewoor:** As I explained just now, in the first instance the representation is to be made to the officer who made the entry. If that officer on hearing the employee is prepared to modify his remarks, there is an end of the matter. If he does not, then the employee can petition the next higher officer.

Then, Sir, I am afraid my friend, Mr. Giri, who is generally very careful in what he says, made a damaging statement about an officer of this department. I consider, Sir, that in all fairness Mr. Giri should not have mentioned the name of any particular officer. He stated that a certain Superintendent of Sialkot Division was victimising the Union employees. I deny that statement until proofs are given to me. This sort of general accusation is far too common, and I submit to this House that the making of such damaging statements causes a great deal of disturbance in administration.

**Mr. V. V. Giri:** It is nothing against his personal character. It is in his official capacity.

**Mr. G. V. Bewoor:** Coming then to the question of promotion of postmen, I stated last year that it is open to postmen to appear for a test and to pass it. If they are matriculates or undergraduates, I have no doubt they will pass and get promoted to the clerical cadre . . . .

**Pandit Lakshmi Kanta Maitra:** What about the Postal Superintendent of Mymensingh?

**Mr. G. V. Bewoor:** That does not arise out of labour grievances in any case.

As regards the promotion of postmen, the postmen have really no cause for grievance, because in our rules for promotion we have laid down that they can appear for a test and if they qualify they can be promoted. In this matter again, we have got to insist upon the efficiency of the service rather than upon the benefit to any particular class of people.

My friend, Mr. Giri, then referred to the question of leave reserve for inferior staff. Here again there is no necessity for any leave reserve. As I explained last year, as soon as a member of the inferior staff goes on leave, an outsider can be employed under the rules.

I think, Sir, I have dealt briefly with all the various grievances mentioned, but I would like to add that I do not want Members of this House to be under the impression which might be created by the mention of these grievances that the staff of the department is labouring under a tyrannical rule. That is likely to be the impression created, because the House only hears the grievances which are mentioned; they never hear of the grievances that have been proved or the benefits that have been conferred by the department.

**Mr. V. V. Giri:** You can give a report to this Assembly.



**Mr. G. V. Bewoor:** It is open to the Members of the House to ask any questions in the matter or to read the Annual Reports of the department. I would, therefore, suggest that this House should not support the cut.

**Mr. N. M. Joshi:** Mr. President, as the Home Department has given me satisfaction, I do not wish to press this motion to a division. At the same time I wish to make it quite clear that I am not satisfied with the reply given by my friend, Mr. Bewoor, . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member wants the leave of the House to withdraw his motion, he need not make a speech.

**Mr. N. M. Joshi:** To save the time of the House, I am prepared to ask the leave of the House to withdraw my motion.

**Mr. President** (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his motion?

**Several Honourable Members:** Yes.

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

**Mr. President** (The Honourable Sir Abdur Rahim): The Congress Party will now move their motion. Which is that?

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Could you not give five minutes to unattached Members?

**Mr. President** (The Honourable Sir Abdur Rahim): Half an hour is over. Which is the motion of the Congress Party?

**Mr. Mohan Lal Saksena** (Lucknow Division: Non-Muhammadan Rural): It is Demand No. 17, motion No. 201, Treatment of Indians abroad.

#### DEMAND NO. 17—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

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

"That a sum not exceeding Rs. 5,85,000 be granted to the Governor General in Council, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1938, in respect of the 'Department of Education, Health and Lands'."

#### *Treatment of Indians abroad.*

**Mr. Mohan Lal Saksena:** Sir, I move:

"That the demand under the head 'Department of Education, Health and Lands' be reduced by Rs. 100."

to consider the question of treatment of Indians abroad. I am sorry I am suffering from a bad throat, still I shall try to make myself heard in all parts of the House. The question which I am now raising before this House is one which has been raised on the floor of this House over and over again by means of questions, adjournment motions and Resolutions. True, this is the first time that this question is being raised by means of

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a cut motion during the budget discussion, and the reason is not far to seek. The growing volume of grievances of our countrymen abroad, the callous manner in which restrictions and disabilities have been imposed on their rights and liberties, the failure of the Government of India's efforts to secure redress to them, and in short, their helplessness and agony certainly demand greater time and pointed attention of this House,—more so because the places where our countrymen are the worst sufferers and where indignities and injuries have been heaped on them most are States where Indians have played the role of pioneers, in the economic development of which they have taken a leading share, and progress and prosperity of which have been to a large extent due to their industry and enterprise. Sir, to some of these States our countrymen had gone even earlier than the Europeans or the White Settlers, and they had gone to those places on invitation under definite assurances and pledges of security and equal treatment. The Honourable Members should remember that most of these states are countries where the Union Jack flies and to which the protecting arm of the Britannic Majesty is supposed to reach,—they are protectorates, mandated territories, dominions and colonies which constitute what is called the British Empire, an Empire in the building of which Indian resources have been freely used, an Empire which would have gone to pieces during the last war but for the magnificent contribution made by India in men, money and material, in fact even today it would be nowhere but for India. But what do we find eighteen years after the War? We find that, while Germany which was responsible for butchering hundreds of thousands of British people is claiming back its colonies and from the speech of Von Ribbentrop it appears it is likely its demands are going to be conceded sooner than we can think of nationals of India which had 65,000 men killed and a still larger number wounded to save the British Empire in the last war are not even allowed to live in these colonies. They are not allowed even the security of the rights that they had been enjoying so far. I want the European Members on the Treasury Benches to make a note and convey to their countrymen and their masters at home that for every wrong that Indians are suffering abroad we hold Great Britain responsible, and that the time is not far distant when they will have to regret for this callous disregard of our sufferings and humiliation. They will have to pay many times over for every wrong that is being inflicted on us Indians in the Dominions and in other parts of the British Empire.

Sir, within the short time at my disposal, it is not possible for me even briefly to refer to the disabilities and hardships which our people are suffering abroad, not even to detail at length the sufferings and hardships of our people in Zanzibar, South Africa, Iran, Iraq, Fiji and other countries which must have lately come to the notice of Members here through the press. What I propose to do is I would refer only to one or two countries, and I hope that other Honourable Members who will speak after me will refer to other countries. In the Simla Session our friend, Mr. Huseenbhai Laljee, tabled a question asking the Government to lay down a statement outlining the disabilities which Indians are suffering from in various parts of the British Empire. This statement was laid on the table on the 25th August, 1936. It is a long list, but what I want to bring to the notice of the House

as that the Government of India Department is not even fully aware of the many disabilities which our countrymen are suffering from. Fortunately for us, the Foreign Department of the Indian National Congress which has been in existence for nearly a year is better informed and is in more intimate touch with our nationals abroad than the Government of India Department which has been in existence for a very long time. I would only cite one instance. In regard to New Zealand, it is said that there are no restrictions imposed on Indians there. But that is not so. We find that immediately after this statement was laid Mr. Jinarajadasa who had been to New Zealand came out with a statement contradicting the statement that was laid on the table of the House. He says the visitors to New Zealand suffer from certain disabilities. The disabilities are that no Indian is permitted to land if he intends to settle in New Zealand. New Zealand is barred to Indians though not legally, but as a matter of fact, by rigours imposed by the customs officials. Even a temporary visitor for business must deposit £10 on arrival, which is a gratuitous piece of insult to our country. But the Government of India in the Education, Health and Lands Department had no information about these disabilities. I will not examine the rest of the statement. While referring to the disabilities of our countrymen abroad I will refer to that country which has excelled others in devising ways and means to humiliate us, which has specialised in passing legislations on the basis of racial differentiation against Indians, and which has even now on its legislative anvil three measures. It was from this country we had the honour of receiving a delegation known as the Goodwill Delegation.

Sir, Mr. Polak, who has had an intimate knowledge of conditions in South Africa and who could not be said to be taking a biased view of the situation, says that the situation from the Indian point of view has been going from bad to worse in South Africa. What do we find? While this Delegation was touring in India, while we were holding parties in its honour, while the Indian taxpayer was paying for its expense—we find that an Indian sportsman, a feather weight champion boxer by the name of Fali Billimoria goes to South Africa and he is not allowed to land by the emigration authorities there. Mr. Billimoria was training in a British regiment and still he was not allowed to land in South Africa. Then, we find that when Mr. Hofmeyr, leader of the Delegation, returned to South Africa, he had to leave the Ministry of Interior which deals with Indian questions. He had to leave or he resigned, we know how resignations are secured. Again, we have the testimony of another Indian whose name is Mr. Manohar Das Khilliani, who is an agricultural expert and who was one of the members of the Bombay Government's Board of Agricultural Experts and went there at the invitation of the Mombasa Horticultural Society as a judge. He says that, while the Delegation was touring here, he found that the Government's special missionaries were teaching the natives to hate Indians. He refers to the fact how Indians are not allowed to use the same benches in public parks, how they are not allowed to use same compartments in trams and railway trains. I shall not read his statement because it is a lengthy one. While all this was happening in South Africa what were Government of India doing? In India, a South African was appointed to the Financial Inquiry Committee to inquire into the finances of railways. What a shame! And yet both the departments are under the control of Indians, the railway department under Sir Muhammad Zafrullah and the other department which has been, I am

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informed, under the control of Indians for the last 15 years. What a sad commentary! It proves the contention of the Congress that merely Indianisation will not help. So long as the system is there replacement of Europeans by Indians will not do. What after all can the Indians do here? They are mere cogs in the engine of repression and exploitation known as British imperialism which has been responsible for our exploitation and humiliation here and abroad. They cannot help us. They are simply helpless. They cannot help even in a matter in which the whole country is in agreement. Time and again we are reminded of our differences on vital questions and the consequent inability of the Government to do anything, but here is a question on which every one from Mahatma Gandhi to the Aga Khan, people belonging to various shades of opinion, are in complete agreement, and still we find that the Government of India are unable to secure us any redress or to secure for us even temporary relief. I am now referring to the case of Zanzibar. While our men are suffering there and going into insolvency and it has been reported a number of Indians have even committed suicide and things are getting from bad to worse the spokesman of the Government of India comes forward and assures us that they are taking all reasonable steps, and they are making as much effort as they can to safeguard our interests and protect our rights in Zanzibar. I will now quote the message which His Highness the Aga Khan sent to a public meeting held at Bombay to protest against the treatment of Indians in Zanzibar. It says: The position of Indians in Zanzibar needs immediate attention. The new Resident is coming and it is essential that our Government should send a further mission to discuss the situation with the new Resident. I have only read out this message to tell the House that the position of Indians has really reached a stage when any delay on the part of the Government here will be detrimental to the interests of our countrymen in Zanzibar.

I do not want to refer to the three Bills which have been introduced in the South African Legislature. There was a short notice question in regard to them, and our friend Sir Girja Shankar Bajpai informed us only today that the Bills have been referred to a Select Committee. That is all the information he had to give, and he had instructed the Indian Agent in South Africa to watch, and "wait and see" is the policy of this Department of Government as has been that of others. In the matter of Zanzibar, I will only remind my Honourable friend, Sir Girja Shankar Bajpai, about the Persian proverb:

*"Ta Taryaq az Iraq awurdah shawad,  
Mar guzedah murdah shawad."*

"By the time, the specific for snake bite comes, the snake bitten will be dead."

I hope he will take note of it and see to it that something is done before it is too late.

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

**Mr. Mohan Lal Saksena:** This is a subject on which it is really difficult to restrain oneself and when there are so many grievances to refer. I

would now refer not to the British Empire but to the United States of America. We find that even in the United States of America our countrymen are suffering from disabilities. Temporary visitors are allowed to stay only 60 days and those going on business 6 months which in some cases can be extended to 15 months but the acquiring of citizenship rights is next to impossible and even those who had settled in America in 1924 when no such restrictions were in force are not allowed to become citizens. I would refer to the case of an Indian who had settled there for a long time and who married an Indian lady who was a student there who is a relation of a prominent politician of Bombay, but under the laws of the United States of America he is not allowed to live with his wife as a citizen, and similarly there has been ban on Indians settling in Portuguese East Africa. I do not want to refer to other things. I now come to the steps that we have been urging the Government to take. In 1924, we passed a permissive legislation empowering the Government of India to inflict disabilities upon the nationals of other States who have been treating us with humiliation. But what do we find? Since then 12 years have elapsed and from the statement that was placed on the table of the House, we learn that under the heading "Disabilities imposed in India on Nationals of other countries" it is Nil. Although on the other side we find a list of the disabilities that had been imposed on Indians, the Government of India have not even thought of using the Act even once.

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

Cut motion moved:

"That the demand under the head 'Department of Education, Health and Lands' be reduced by Rs. 100."

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

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

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**Mr. Husenbhai Abdullabhai Laljee** (Bombay Central Division: Muhamadan Rural): Sir, I consider this to be a very important matter, but I am very sorry that this important matter has to be discussed in this somewhat thin House. Well, Sir, on this question I feel we have got to consider, not only our own position, but the position of the Government of India as well as the position of the British Government. Sir, the Government are responsible, and my allegiance to His Majesty the King Emperor requires that my honour and my economic interests beyond my own country are to be protected; and, I am sure, that when I ask for that privilege, I am asking for nothing else but what is due to me.

Now, let us see how far I am privileged in respect to my protection. We all know, Sir, that all over the world, not now, but for years past, it has been the duty of the State to protect the honour and the economic interests of its nationals. The great armies, the navies and what not are provided for that object and for nothing else. We have a great army, it

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is for our defence; but at the same time our own army has been used and at our cost to protect not ourselves, but all the British interests for years past. It is a well-known fact that it was the Government of India which paid for the armies that were kept in Hong Kong, Singapore, Natal, Mombasa, Zanzibar, Aden, Port Sudan and at Muscat. That army was for a number of years paid for by the Indian Exchequer, because it happened to be His Majesty's army, and although it happened to maintain the honour of whole British Empire . . . . .

**Captain Sardar Sir Sher Muhammad Khan** (Nominated Non-Official): The army in Hong Kong is not paid for by the Indian Government?

**Mr. Husenbhai Abdullabhai Laljee:** It has been paid for for years together; we have paid for it, it was then the Bombay Command that paid it, and I ask the Treasury Benches to deny that—of course I don't ask you, who does not know. (Laughter.) (Hear, hear.) Sir, these are the facts. Let anybody deny it from the Treasury Benches. I challenge anyone to deny it, because I know it as we happen to be connected with the Military Department as well. (Voices: "Oh, oh", "Probably as a contractor"?). Now, Sir, see our condition. A long question was put by me on the 18th February, 1936, and the substance thereof was:

"Will Government be pleased to lay on the Table a statement with regard to the conditions laid down by the States, Dominions and Colonies, on the entry of Indians into their countries as tourists, or for carrying on trade and commerce, or insurance, or banking business, or for any similar purpose, or for establishing industries, or for entering into services, or for owning residential or other properties, or for agricultural purposes. Also with regard to any legislations prevailing in any of these countries discriminating between the status of Indians living there and that of the natives of those countries",

and, Sir, where I lay my stress is this:

"the conditions placed by the Government of India on the nationals of these countries when they enter India for any of the above objects, and/or when they reside in India for any of the above or similar objects?"

Sir, the countries referred to in Europe are France, Italy, Germany, Norway, Sweden, Belgium, etc., etc., and the Dominions, those of New Zealand and the Commonwealth of Australia, and in America, Canada, and so forth, and in West Indies, Jamaica, Trinidad and Cuba, and in Africa, Egypt, Sudan, Zanzibar, etc., etc., and in Asia, Palestine, Iraq, Hedjaz, China, Japan, etc. And what was the reply? Sir, I do not blame the Government of India, because I know very well that their position with regard to this question is as pitiful as ours. (Hear, hear.) Neither the people of India nor the Government of India, Sir, have any right to discuss or meddle in the foreign policy of Great Britain. In fact, the Government of India recently took up the Indian question off and on, and I must also admit with a lot of enthusiasm, but their handicap is that they can only place before His Majesty's Government their views and nothing else. This is the position which we have to acknowledge, and, therefore, I say, Sir, that this question becomes of great importance in order to enable us to realise, not our position, but the position of our Government; and let our Government also frankly and freely admit that that is their position.

Then, we shall have to consider a more wide and the more important question with regard to our relations with the British Empire. (Hear, hear.) Now, Sir, how ill-informed the Government of India are, how far even the Government of India are kept uninformed, and how the interests of Indians abroad are not a question which is considered to concern the British Empire can be seen from the reply that we got from Sir Girja Shankar Bajpai. The reply was:

"As regards Empire countries, such information as can be made available is being collected and will be laid on the table in due course."

Of course, that information has come later on, after six months, in August, 1935, viz., that that is being collected; the particulars are being collected, but the most important part of the question is this:

"As regards the rest of the world, the Government regret that they are unable to furnish a statement of the kind desired by the Honourable Member without an expenditure of time, labour and expense which would be incommensurate with the results that might be achieved."

Why are they unable to furnish the information? Because, I think, they do not care to do so; further, they make bold to say that it cannot be collected without an expenditure of time, labour and expense which would be incommensurate with the results that might be achieved! (Hear, hear.) Sir, we are paying for all services including the army to the tune of about 60 crores, out of 156 crores, to protect us, and what is the result? The position with regard to my interests outside India which are to be protected is not known to my Government. Is this not deplorable? Further, when they do not care to gather any information about that! My Government do not care to find it out, I think, probably because they cannot and think, therefore, that it will be such a difficult task as would be incommensurate for the Overseas Department to find out all these things although they concern the interest of about nine or ten lakhs of our people and their trade of crores of rupees being involved outside India! Sir, I should be glad to have an explanation of this definite statement, from the Honourable Member, clearly made as to what is really their position, and what is their duty. We cannot allow this position to remain longer. Sir, we feel very much the kind of treatment given to us when we go to the Colonies. When we used to go to the Italian or the German Colony in the East Africa or South Africa, people there used to laugh at Indians. They commonly and freely tell us: "You cannot walk with us on the foot-path. What is it that your Government are doing or can do for you? You are taxed and crores of rupees are spent at the bidding of your Government, and your Government must be loyal to you." That is what they are telling us, and this is our position. Let me make a fair proposal to Government. Our country is large enough for all of us outside India, but in that case we do not want outsiders here. Do not let any more foreigners exploit our country; let them go away, and I assure you. I am prepared for that proposition. Let me tell my friends, the Englishmen, who are all absent except my friend, Mr. James, that the moment we are all here back you shall also have to see that we shall have sufficient room. In fact, you will have then to make soon adequate room for us. It is no good now telling us, and we cannot hear it, that in our country you all can be masters and at the same time you do not want to see us to be anywhere else besides India. Is that fair, is that equitable, is that honourable?

[Mr. Husenbhai Abdullabhai Laljee.]

Now, Sir, let us see what are the replies with regard to the treatment that is meted out in the British Colonies and Dominions. The reply is: "In New Zealand, there is no restriction on a temporary visit for the purpose of business". Then, Sir, with regard to Australia, "business means wholesale business and not the retail business". But New Zealanders and Australians can do retail and all sorts of business permanently here. Why? Nobody knows that. Then, Sir, they say that permanently we cannot reside there and permanent business we cannot do there, while all Colonial Dominions and even foreigners can do so in India. I ask, in all fairness, why? I also ask why do Government say that the Government of India have kept no restriction whatsoever in their reply. I ask, do they think it unnecessary or are they unable to do anything? Further, we cannot go to any country, be it New Zealand, Australia or Canada or even South Africa, that is one of the replies, without being duly qualified according to their standard for us, but again we see those people can merrily come to India in whatever condition they like and can freely do whatever they like in India. And still we are told by Government that they cannot do anything whatsoever to them. Is that in anyway fair? I do not know how and why my countrymen with self respect should tolerate any longer this sort of treatment. That issue and that issue alone is sufficient for the people of this country to say to the Government: Give us fair equal treatment in these Colonies and Dominions and outside, if you want us to continue in the British Empire, and also get us equal treatment in all Foreign States like the British.

**Mr. B. Das** (Orissa Division: Non-Muhammadian): Better get out of the Empire.

**Mr. Husenbhai Abdullabhai Laljee:** That we feel we will have to seriously consider now.

Now, Sir, what do we find as the foot note to all these answers? They say: "So far as the Government of India are aware (they are not even sure) . . . ." What I consider of this reply as a businessman, I need not say, but this finally and completely proves that our Government are unaware of our conditions in foreign States.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member has two minutes more.

**Mr. Husenbhai Abdullabhai Laljee:** I will only point out emphatically and seriously to the Government one thing and one thing alone that this sort of thing is not going to last any longer. People are fully realising that now when Indians and their brethren will be forced more and more every day to come down to India as disgraceful people from the Colonies and Dominions, they must and will have to see that those who bring about that condition will find no place in this country and the same will be the position of those who are conniving at such treatment.

**Mr. F. E. James** (Madras: European): Mr. Deputy President, I should like to say at the outset that as far as the motive underlying this motion is concerned, we have every sympathy with it. I think we have from these benches on more than one occasion during recent years expressed our sympathy with the cause of Indians overseas.



**Pandit Lakshmi Kanta Maitra:** Lip sympathy.

**Mr. F. E. James:** It is more than lip sympathy. But we must realise that just as in certain particulars the Government of India are powerless to inflict their will upon either dominions or even upon parts of the Colonial Empire, so a small group like ours cannot be expected to exert very great influence.

**An Honourable Member:** Vote with us.

**Mr. F. E. James:** It is not a question of vote. My Honourable friends are sometimes obsessed with this idea of the vote. A vote on this side or that side will do nothing. One vote today will make not the slightest difference to the position of Indians in any part of the Empire. In so far as we have any power and in so far as we are able to exert any influence whatsoever either here or overseas, I can pledge our assistance in every way possible. We cannot do anything more than that. If Honourable Members can point out to us any way in which we individually or as a Group can do any more than express in this House our sincere lip sympathy then we shall be very glad indeed to learn what possibilities there are.

Sir, this is a matter on which in previous debates the Government of India and all sections of the House have been united. I gather that the purpose of the cut—it has not yet been explained to me fully even by the Mover—is to indicate that the Government of India within the limits of their powers have not done all they can in regard to this matter. In that case we must await the defence of the Members in charge of this Department. But I would like to remind the House of the debate which took place in March 1935, during the course of which the predecessor of the present Member in charge of the Department of Education, Health and Lands, one of the most remarkable Parliamentarians of his day in this country,—I refer to Sir Fazl-i-Hussain—made a farewell speech in this House and a very remarkable speech it was. He indicated the difficulties confronting him as a Member of the Government. He indicated that as far as his experience went, neither the Viceroy nor his colleagues in the Viceroy's Executive Council had stinted in any way their efforts in doing justice for Indians overseas. Yet he had to record not so much progress as a standing still and disappointed hopes. Allow me to read one observation which he made. He said:

"It is a matter of gratification to me to see, on the eve of my retirement, that on this point, not only there is a tacit understanding that the policy of the Government of India is the Indian policy, but there has been, through the good offices of Mr. Saivamurti, an opportunity for a public declaration, on the floor of this House, to that effect. I trust that this significant fact will have some value. It may add a little more strength to the representation which will issue from the Government of India. Let us hope it will, but if it does not by any chance, the struggle cannot be given up. It has to be fought. It has to be continued. It will never do to lose heart. We believe that there is a future."

I read that extract for the express purpose of suggesting that what is required as a result of this debate is the strengthening of the hands of the Government in their dealing with the Dominions and through the Colonial Office with the Colonies overseas. Sir, I would point out that this question divides itself into three parts, firstly the question of Indians in the Dominions, secondly the question of Indians in the Colonial Empire and thirdly the question of Indians in foreign countries. I am only going to speak

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of the problem of Indians in the Dominions and the Colonial Empire because after all the vast majority of Indians living overseas live either in one of the Dominions or in one of the Colonies or Crown Protectorates. As far as the Dominions are concerned, the matter is one of very great difficulty. Honourable Members must know that each Dominion is entitled by its very status to pass laws which affect either the entry of people into its borders or the status of people who are living within its borders. Therefore, it means that India has to treat with the Dominions or has to deal with the Dominions as sovereign self-governing countries entitled by their own powers and by their status within the Commonwealth of British Nations to deal with the people within their own borders as they think fit. Thus the problem is a difficult one from that point of view. That does not in the least relieve us of the necessity of pressing all the time for better treatment for our people in those parts. But it does mean that the problem is one which cannot be resolved either by a vote in this House or by one single declaration or act of the Government of India.

**Mr. Mohan Lai Saksena:** It can be resolved by scrapping the Government altogether.

**Mr. F. E. James:** That is hardly a practical point of view at the present moment.

**Pandit Lakshmi Kanta Maitra:** Very uncomfortable to think of.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): It is not a point, it is a line!

**Mr. F. E. James:** Extremely uncomfortable. Nothing can be done if you drive the Government of India to the position of listening to a thing which is not a practical proposition. All we can do is to strengthen the hands of Government and in fact to communicate through them to the world at large that on this matter at any rate all in this country to whatever community they belong are absolutely united. (Interruption.) I wish my Honourable friend would do me the courtesy of listening. He has had his say, and my time is limited. As far as the Colonial Empire is concerned, the matter is somewhat different, because, in that Empire, the Colonial Office undoubtedly has infinitely more power than the Dominion Office has over the Dominions. I have to say it with shame that the history of the attitude of the Colonial Office in the United Kingdom towards the Indian problem in the Colonies or Protectorates under its control has been definitely disappointing. (Hear, hear.) It has been more than disappointing, it has been definitely unfair. That is one of the points on which I believe that the Government of India would do well to take advantage of the negotiations in the coming months to impress their point of view. As far as the Dominions are concerned, we cannot do anything except by means of conference in London. As far as the colonies are concerned, I do believe that one of our difficulties is that in the constitutional position of the Government of India, we cannot get as fair a deal as we should get by reason of the fact that we have to go through the India Office, and thus the matter becomes a comparatively domestic one of a dispute between

one office and another office in the Government of His Majesty in the United Kingdom. I am going to suggest therefore that as far as the Colonial territories are concerned, one thing can be done in this direction and that is that some authority should be given to India's representative at the Imperial Conference, the Honourable Sir Muhammad Zafrullah Khan to deal direct with the Colonial Office and not to go through the India Office. I believe that if permission could be granted in some way to enable our own representative from here to have direct conversations with the present head of the Colonial Office,—I think there is quite a possibility that some influence might be brought to bear upon the Colonial Office which might change their point of view.

Sir, it is a sad thing to have to admit today that there is no doubt that there is growing a spirit of racial exclusiveness all throughout the world. (Hear, hear.) You find it in other countries, you have got it in the Union of South Africa, to a very marked degree. You have got it in Italy. You have got it in Japan. You have got it in the race purity campaign in Germany. I believe that the problems which the Indians overseas are going to face in the future are going to be far more grave than they have been even in the past. That therefore makes it essential that our Government should take every possible step to protect the interests of its own nationals overseas. I believe that the representation of our Government overseas has got to be strengthened. I observe with great pleasure that one of the recommendations in the Right Honourable Sastri's report about Malaya is that the status of the representative of the Government of India in that part of the world should be increased,—without in any way suggesting that any of our representatives have not done their work magnificently. I would go further and urge that in places like Ceylon and Malaya and particularly Burma after the 1st April, and in other parts of the Empire we should have men of high status representing the Government of India who can through their own personality and also through their own official position bring more direct influence to bear upon the governments with whom they have to negotiate. In fact I do not see why, in common with other countries in the world, it should not be possible for India to develop a cadre of service for the representation of this country overseas (hear, hear), consisting of some of the best men we can get from the permanent services in this country. Occasionally the Government of India should send abroad as special representatives to implement the work of our permanent staff, men of outstanding distinction from this country. Those are the two specific suggestions which I would like to make. Firstly, that our representative at the Imperial Conference be specifically authorised to take up this question not only at the Conference itself but direct with the Colonial Office; and secondly, that the representation of Indians overseas should be placed on a more satisfactory and permanent basis, that we should have men of greater seniority in some of our Empire countries to represent our great communities settled there. There may be other things that may emerge from this debate, other suggestions may commend themselves to Honourable Members in the course of this debate. But I would end by saying what I said to begin with that, the House may rest assured that as far as we are concerned, we are hundred per cent. with those who are urging the gravity of the position of Indians overseas. We believe that it is a matter not simply of India's self-respect and honour, but of the self-respect and honour of the whole British Empire. (Hear, hear.) To such extent as is possible for us to help, we pledge our assistance both individually and as a corporate body. (Applause.)

**Sir Girja Shankar Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I venture to intervene comparatively early in this debate, because we feel that a fairly full statement of the Government's case may help to influence and determine the future course of this discussion. (*An Honourable Member*: "Let us see.") My Honourable friend interjected, "Let us see". I and those who will speak after me on this side claim no more than this that we should be heard with patience as we are confident that we shall be able to convince every impartial Member of this House that we have done our best; we claim nothing else.

Now, Sir, my Honourable friend, Mr. Saksena, when he spoke,—and I am sorry that owing to a cold he could not exhibit his customary vigour in speaking this morning,—did not indicate exactly what the purpose of this debate was. Was it to censure the Government of India for failure to do enough? (*Voices of*: "Yes.") That was the point; he did not state that in the course of his speech; it was elicited by my Honourable friend, Mr. James, when he asked a question in the course of his speech. And, therefore, Sir, I think that my task this afternoon is limited to indicating, by reference to the more important questions which are outstanding at the moment, why and how the Government have striven, and why the Government of India do not deserve to be condemned by a vote of this House or to be accused of slackness in pushing forward the Indian case.

Now, Sir, there are two methods which are open to one in dealing with this question. One is to take a number of colonies, describe the conditions there, and from that seek to draw a deduction of general application. My Honourable friend, Mr. Saksena, followed that method this afternoon. He descanted upon the disabilities of Indians in South Africa, in Kenya, in Zanzibar and let me make it clear now that there is no disposition on this side to question the existence of those disabilities or, for that matter, the gravity of the situation in South Africa today—he dwelt upon those disabilities, and then he proceeded to draw the conclusion that the position of Indians throughout the British Empire has steadily deteriorated. If I were disposed to follow a similar method, I could describe the very happy position of Indians in certain parts of the Empire, such as British Guiana and Trinidad, and draw an exactly opposite conclusion. But that is not the intention. Government do not claim that all is for the best in the best of worlds, that there are no disabilities, that there is nothing to contend against. We are merely concerned with presenting to the House the picture in its true perspective and then let the House decide for itself whether we have discharged our stewardship with patriotism and with energy or otherwise.

Now, Sir, before one proceeds further it is desirable to make a statement of the objective of the policy which the Government of India have consistently pursued. What measure of success has attended their efforts is a question which we can discuss later on; and I propose to deal with that. But, in order to have a reasonable discussion, the first thing to attempt is to state the objective of our policy. The objective of that policy, Sir, in one word has been equality,—equality both as regards the right of entry into the different parts of the British Empire, and equality in the matter of status after settlement in those different parts of the Empire. Here I think it is desirable to follow the classification adopted by my Honourable friend Mr. James, that is to say, deal with the self-governing dominions and the colonies separately. Let me first take the right of entry. Now,

Sir, it is unfortunately true that in so far as the self-governing dominions are concerned, it has not been possible for us to secure the right of equality of entry for the purpose of permanent settlement. But as against that we have secured, as a result of representations made by us, the right to impose upon people coming from the dominions into this country exactly the same kind of conditions as regards entry and residence as they may be imposing upon people going from this country to those dominions. As regards the colonies, on the other hand, the right of entry is free and not restricted.

Now, Sir, the next question is the question of status. I think it would be as well to remind the House of the terms of a Resolution which was adopted by the Imperial Conference in 1921. I will read out the operative part of that Resolution which runs as follows:

"That there is an incongruity between the position of India as an equal member of the British Commonwealth of Nations and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire, and that the rights of such Indians to citizenship should be recognised."

In other words, what was asserted by that Conference was that the right of Indians who have permanently settled in the self-governing dominions and in the colonies to equality in the matter of citizenship should be recognised. I submit that in so far as the objective of policy is concerned, there is no point on which there is any difference between any of us who are seated here at the moment.

Now, we go on to consider the question of the deviations from policy which exist. I might begin by saying that when this 1921 Resolution was discussed in South Africa, where the number of Indians is the largest and where also there are very many disabilities upon our people, South Africa dissented from this Resolution; but His Majesty's Government were parties to this Resolution, and in judging the future course of events the question that we have to ask ourselves is how far that Resolution has been given effect to in regard to those territories which are directly under the control of His Majesty's Government. Let me dispose of the question of the colonial territories first, because that is fairly simple. With the exception of Kenya, where as a result of discussions which went on till 1923, it was decided to withhold from Indians the right of acquiring agricultural land in the highlands,—with the exception of that, Sir, there is no statutory discrimination of any sort or kind on Indians who have permanently settled or who may hereafter go to settle in any part of the colonial Empire. But what happened with regard to 1923 was a question which was discussed in this very House in 1935. I explained to Honourable Members then what the attitude of the Government of India towards the decisions of 1923 was; and I also indicated that the Government of India were determined not merely to maintain that settlement against any deterioration but to endeavour to raise the status of Indians in that colony as occasion offered itself. In that 1935 discussion, Sir, if the House will carry its memory back to that, the question raised was about an Order in Council which would have had the effect of converting an administrative restriction as regards the possession by Indians of land in the agricultural highlands into a statutory restriction. On that occasion, Sir, the House supported us in our demand that this change should not take place. We acknowledge with gratitude the support which we received from the House on that occasion, and it may be of interest to the House to know that in so far as that Order in Council is concerned it has not yet been issued and we have an assurance

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from His Majesty's Government that what we were afraid of is not going to happen. In other words, the *status quo* of 1923 is going to be maintained and not be altered to our disadvantage. The question I wish to ask then is, is that something for which the Government of India deserve censure? I venture to answer the question myself,—No. In that case we have now to observe the position in other colonies and in other territories. There are two which stand out; the first is the Union of South Africa and the second, because of recent events, is Zanzibar. Let me take the Union and Zanzibar in that order.

Now, Sir, some of the speakers took the line that the position of Indians in South Africa has steadily deteriorated. There was my friend, Mr. Saksena, who referred to the disability which exists upon people seeking to enter the Union from this country even for temporary visits: he mentioned the name of a sporting gentleman who wanted to go there and was not allowed to do so . . .

**An Honourable Member:** Mr. Billimoria.

**Sir Girja Shankar Bajpai:** Mr. Billimoria. Now, what I want the House to realise in regard to this point is this: we do not say it is a very delightful thing that a distinguished Indian or sportsman going from this country to South Africa should be subject to any disability—I do not say so at all; but what I want the House to know is that this condition that permission shall be obtained before an Indian enters the Union of South Africa has been in existence under the Emigration Act of 1913, an Act which was passed after full discussion not merely with us, that is, the Government of India, but also with that great Indian who did more for Indians in South Africa than any other individual—I refer to Mahatma Gandhi: I am not saying that Mahatma Gandhi willingly accepted that position. But he was out to secure for Indians in South Africa at the time certain privileges, and he recognised that one of the concessions which he would have to make to the Union Government was this question of the imposition of certain restrictions upon Indians coming into the Union. It is an unfortunate thing, but it is no use contending or being under the impression that this particular disability is a disability of recent growth. However, it may be of some interest to the House to be told what the position of the Government of India in regard to this particular condition—and I admit it is a humiliating condition—is. We have instructed our Agent General in South Africa to take up with the Government of the Union the question of waiving these restrictions in the case of Indians of approved character and standing who seek admission into the Union for purposes of temporary residence and I may also inform the House that this particular condition is not applied exclusively to Indians—it applies to all Asiatics, including Japanese . . .

**An Honourable Member:** Has any South African been stopped from coming into India?

**Sir Girja Shankar Bajpai:** My Honourable friend will perhaps allow me to proceed and develop my case—I will deal with that particular case . . .

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Honourable Member has got two minutes more.

**Sir Girja Shankar Bajpai:** I am making the main statement on behalf of Government and I have got another seventeen minutes . . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Fifteen minutes have been allowed for the reply. If this is the reply . . . .

**Sir Girja Shankar Bajpai:** The position, Sir, is this: I discussed the matter both with the Honourable the President and with the Honourable the Leader of the Opposition, Mr. Bhulabhai Desai: we agreed among ourselves that in so far as the Government speakers in this debate were concerned, one of us would take the time allotted for the reply, that is, from twenty minutes to half an hour, and the other speaker would limit himself to fifteen minutes. That is the position. . . .

**Mr. M. Asaf Ali** (Delhi: General): It was agreed to.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): If that is the arrangement, then it is all right.

**Sir Girja Shankar Bajpai:** So far as I am concerned I can assure you, Sir, I am not very fond of hearing my own voice, and if I speak on this motion, it is merely with the object of stating the case. That is why I am seeking your indulgence to complete the few observations that I have to make . . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): After this arrangement, it is not a question of indulgence.

**Sir Girja Shankar Bajpai:** I am very glad that what I regarded as an indulgence has been conceded to me as a right. I am very grateful. I was explaining that in regard to this right of entry we are now taking up with the Union Government the question of assimilating the position of Indians with the position of Japanese who may be thinking of visiting the Union for purposes whether of travel or study or . . . .

**Mr. Husenbhai Abdullabhai Laljee:** Can my Honourable friend say if some such action was taken by the Indian Government against any South African so far?

**Sir Girja Shankar Bajpai:** May I finish what I have to say at this stage? My Honourable friend has already had his say; I am only stating our position. . . . .

**Mr. Husenbhai Adullabhai Laljee:** Since you have got half an hour, I am only putting one question.

**Sir Girja Shankar Bajpai:** My Honourable friends opposite need not indulge in any risibility at this stage because it is not the intention of either my Honourable chief or of myself to escape from anything that may be reasonably brought up against us. I hope that point is perfectly clear. I was telling the House that we are taking up the question of assimilating the position as regards entry of Indians with that of the Japanese. We come now to the next question, namely, the status of Indians who have

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settled in the Union of South Africa. There, again, the general impression seems to be that the position of Indians has steadily deteriorated in the Union of South Africa, that rights and privileges which existed five or ten years ago have been curtailed. The contrary is the truth. I am not at the moment talking of the two Bills which are on the anvil—I shall have something to say later on about them. In 1924-25—I find that my Honourable friend, Mr. Joshi, finds my remarks of a soporific character. .

**Mr. N. M. Joshi:** No: concentrated attention.

**Sir Girja Shankar Bajpai:** In 1924-25, my Honourable friend, Mr. Joshi, was a Member of this House, and so was the Honourable the Leader of the Independent Party, Mr. Jinnah, whom we are very glad to see in our midst today. That was the time when the Government of South Africa brought in what is known as the Areas Reservation and Immigration Bill, a piece of legislation which would have had the effect of segregating Indians in every part of the Union of South Africa—at the present moment it so happens that the majority of them are segregated only in the Transvaal—and Honourable Members who were Members of the House then—amongst Members opposite I see my Honourable friend, Mr. B. Das,—will remember the prolonged tension and anxiety that we all felt as to the outcome of that particular project of legislation. The House knows that that particular piece of legislation was not proceeded with: it was dropped as a result of, first the deputation which went from this country and, secondly a conference which we had with the Government of the Union. Secondly in 1930, another cloud suddenly appeared in South African skies. It was the proposal to make more stringent the restrictions as regards Indian acquisition of land for purposes of residence or ownership in certain parts of the Transvaal. That question again gave rise to a good deal of anxiety: that question again was negotiated with the Union Government directly by the Government of India, by the Agent General for India in South Africa, and subsequently by a deputation of which Mrs. Sarojini Naidu, a very distinguished member of the Party opposite, was also a member. That legislation was also not proceeded with. I ask, in the circumstances, how is it possible for anybody with an appreciation of the facts to contend that the situation of Indians in South Africa has deteriorated during the last five or ten years, or for that matter since the passive resistance of Mahatma Gandhi. I submit, there is not a shred of evidence to support that contention.

The question then arises: what about the Bills which have been recently introduced? Now, let me make it clear that we, that is to say, the Government of India, take as grave a view of these Bills—in particular the Bill which seeks to empower provincial councils to prohibit the employment of Europeans by Indians—as any section of this House; and because of this gravity of the situation we instructed, first, the Agent to make representations to the Government of the Union . . . .

**Mr. M. A. Jinnah:** May I interrupt the Honourable Member? He was good enough to refer to me,—I do not know what the implication was—that I was present when certain things happened. I hope the implication is not that I have assented to any existing disabilities.



**Sir Girja Shankar Bajpai:** My Honourable friend may rest assured that there was no intention of suggesting that he has been acquiescent in or agreed to any restriction or disability at all. I was merely drawing the attention of the House to the fact that a situation similar to the present had arisen on previous occasions, that was all, and that as a result of the united front presented to the Union Government by the Government of India and the people of this country, these difficulties had been overcome. There was no intention of suggesting that the Honourable Mr. Jinnah, or anybody for that matter, had been an acquiescing party to anything. Nothing is further from our minds than to make any such suggestion.

As regards the Bills, Sir, I was explaining that the Government of India have given instructions to their Agent General to represent the Indian views before the Select Committee to which these Bills have been referred, and I want to draw the attention of the House to one fact. These Bills have not been referred to a Select Committee after Second Reading which involves acceptance of the principle. They have devised a procedure in the Union by which a Bill may be referred to a Select Committee before Second Reading for purposes of investigation. That is the stage at which the Bill stands at the moment, and we have no option but to await developments in the Select Committee. It is only when evidence has been led and when the recommendations of the Select Committee are before us that we shall be in a position to determine what the next step should be. Meanwhile, I can only give the House the assurance that, like every one here, we are determined to do whatever lies in our power to safeguard the self-respect and honour of our people in the Union of South Africa. (Applause.)

Now, Sir, let me pass from South Africa to Zanzibar. There again there seems to be an impression that the Government of India have been sitting with folded hands, while Indian interests in Zanzibar have been steadily sacrificed. Let me remind the House of a few facts which are of interest to Honourable Members. It is unfortunate, but nevertheless true, that we had no intimation that this legislation was impending at all. We merely had telegraphic information from Indians in Zanzibar that such legislation had been introduced. We took up immediately the question with His Majesty's Government and said that they ought not to allow the Resident and the Local Council to proceed with this legislation. However, it was too late for them to take action. Within a few weeks of our getting the information that this legislation had been introduced and passed Mr. Menon was on his way to Zanzibar in order to investigate the position of Indians there and to watch the effect of the decrees which had been passed. He came and reported . . . .

**An Honourable Member:** He agreed with us.

**Sir Girja Shankar Bajpai:** I don't think my friend had an opportunity of discussing the question, because Mr. Menon reported to us at the end of October, and the House was not sitting in October 1934. Here I should like to mention a fact which is of some importance. We made our representations to His Majesty's Government immediately after the receipt of the Report, and, as we always do in these matters affecting Indians overseas wherever possible, that representation was made after consulting the Standing Emigration Committee of the two Houses of the Indian Legislature who were specially summoned for the purpose. My friends Messrs. Joshi and James will no doubt remember the event. Then, Sir, I need

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not go into the details of the intermediate discussion between that and the deputation of Mr. Binder to make a special inquiry into the working of the clove legislation in Zanzibar,—because my time is limited and I have to go on. When Mr. Binder was in Zanzibar, we specially deputed Mr. Bozman from our department to be an observer there in order to watch the Indian interests. Mr. Bozman was there, and he did his work exceedingly well. The Binder Committee's Report was received by us in December. By the 18th of January our representations had been sent off to His Majesty's Government.

Then, Sir, connected with the question of clove industry is the question of debt legislation. There again we have been pressing and pressing for all that we are worth all this time for an adjustment of this question . .

**Mr. Husenbhai Abdullabhai Laljee:** With what results?

**Sir Girja Shankar Bajpai:** My friend wants to know with what results. The position unfortunately was this, that whereas in India and other, shall we say, advanced places, there is such a thing as a record of rights, in Zanzibar there is no such thing as a record of rights; that is to say, the properties of the proprietors of plantations there are not demarcated, and there is no such thing as a record of titles at all. Most of the money which has been advanced to these debtors has been advanced on the security of their land. A preliminary question was whether a demarcation of this land and an investigation of these titles was not essential before the question of debt settlement could be taken up. For that purpose, Sir Ernest Dowson was deputed to Zanzibar. His Report has now been received, and the position is, that a Bill to regulate this question of indebtedness has already been drafted, and it has been announced by the Resident in Zanzibar that the State proposes to assume responsibility to itself for the liquidation of these debts. I am not for a minute seeking to justify the delay that has taken place, I am merely trying to give such information as is available to us. No one regrets more than we do that hardship had been caused to the Indian community resident there, the only consolation is that a settlement with regard to the clove legislation and debt legislation is in sight. That, Sir, is the most, I fear, I shall be able to say within the time that is available to me with regard to the disabilities of Indians in these two colonies or territories. And, Sir, I should like to finish my remarks with an appeal to the House. I have endeavoured to show to the House that, to the extent it was possible for us to strive for the Indian cause in these territories, we have striven. Success has not always attended our efforts, but it has not been for want of trying, and the question which the House has to consider is, are the Government of India to be condemned for causes or circumstances over which they had no control? We are the executive of this House. If we took up an attitude with regard to Indian disabilities which was not in conformity with the Indian views, if we did not exert the requisite energy in pressing forward the Indian case, then, Sir, I submit that we deserve condemnation not only of one party in the House, but of every section of the House; on the other hand, Sir, if we do our very best and if we can show that far from there being a uniform deterioration where there could be no progress, at any rate there has been no deterioration, and where there could be progress, progress, though not

complete, has been secured, I say, Sir, when we can show that, in that case, especially in the state of emergency which now faces the Indian community in South Africa, what the Government of India deserve, I submit, is the support of every section of the House, and not a vote of censure.

**Pandit Lakshmi Kanta Maitra:** Sir, I have listened with very close attention to the soft, silvery and soporific eloquence of my friend, Sir Girja Shankar Bajpai. Sir, it is indeed some gratification to us to find that there is one subject here in this country on which this Government profess some agreement with us on this side of the House. The House has been treated after Lunch to three very remarkable speeches, one stating the grievances of the Indians overseas, the maltreatment meted out to the nationals of this country when they leave these shores—and the two others were from my friend, Mr. James, whose cold, calculated, balanced logic seemed to indicate that his Party, the European Group, and the Government are in a hopelessly delicate position, a position from which they can neither help us effectively nor openly resile from it. My friend, Sir Girja Shankar Bajpai's speech, as it was only natural to expect, was an elaborate apologia on behalf of the Government; it showed what the Government had been able to do, and what the Government had been trying to do all these years, though not with any desired effect. Sir, I may remind Sir Girja Shankar Bajpai and also my friend, Mr. James, and the Groups they represent that it is not in the objective we differ. It is in the method of approach, the manner in which the Government tackle the question, we differ from my friend and from the European Group. Sir, from what we have been told, it is apparent to the House that they have pursued to perfection a policy of mendicancy, a policy of imbecility, if I may say so. After all, it will not do to forget that the British Government is the mightiest Government in these days. (Hear, hear.) My Honourable friend, Mr. Chapman-Mortimer, says, hear, hear. But the might of the British Government is demonstrated more when it deals with Indians, and not when it deals with other people.

**Sardar Sant Singh:** Italians for instance. (Laughter.)

**Pandit Lakshmi Kanta Maitra:** Sir, this land of India has been thrown open to all classes and communities of people in this world from times immemorial. We never thought of putting any restrictions on the movements of any people in this country. Thousands of people have come to it,—thousands of people of my Honourable friend, Mr. Chapman-Mortimer, have come to shake the pagoda tree, and, after they have done so, they have gone back to their homes to abuse us or work against this country whose salt they have eaten.

**Mr. T. Chapman-Mortimer** (Bengal: European): Does my Honourable friend say that I abuse Indians?

**Pandit Lakshmi Kanta Maitra:** I was only speaking impersonally.

**An Honourable Member:** It was only light-hearted.

**Pandit Lakshmi Kanta Maitra:** Sir, this country has been benefiting the rest of the world in a manner which no other country has been able to do. We had to submit to the Ottawa scheme of preferences, and, according to that scheme, those Empire countries which have been dealing with Indians in the most shameful manner have been getting the maximum benefit. The other countries with whom the trade balance was always in our favour we have antagonised, though they have been our best purchasers, our best consumers in the world market. And, in return, what do we get from these dominions and colonies? My Honourable friend, Sir Girja Shankar Bajpai, says, well, we have done this, we have done that, which has toned down the rigour. Sir, if you really mean that the self-respect and prestige of Indians are to be vindicated, it cannot be effected by going on bended knees. You have to assert yourself. If Government really mean business, if Government really want to stand by the people of this country in their legitimate demand that the self-respect of Indian nationals should be vindicated wherever they go, whenever they leave the Indian shores—then, I believe, and every one of us believes that you have got enormous resources at your disposal by which you can enforce those demands. Only you have not got the will to do so; you do not want to offend. Why should we submit to that? If India had been free, we know how to retaliate. We could impose similar restrictions on those non-nationals who come to this country to trade with us. Our rulers have been very hospitable, even though it means the deprivation of the rights, deprivation of the national self-respect of the people of this country. That has been our systematic position. What do you say about the treatment that Indians are getting in all these countries? You talk of Zanzibar. You told us that Government took the earliest opportunity to rush to Zanzibar and set things right there. You said in connection with Kenya that after all there is not much restriction there except in the case of the highlands. Is it realised that these highlands have been reserved for the white people, but they have been brought to this condition with the life blood of the Indian settler and that the Indians are left to live only in the marshy places of the country? With their help that country grew and developed, and, after the actual development was over, these white people came forward and said, here you cannot come, you must go. So, the matter is not so simple. The matter is very subtle, and to us who are systematically kept in the dark about all that is going on—we do not know what is in the archives of the Government portfolios,—but from the little information which you vouchsafe to us from time to time in connection with questions, that is enough to convince us that what little you have been able to do is absolutely nothing. On the other hand, I am inclined to think that the manner in which you have been proceeding is adding insult to injury. We Indians demand a strong policy, a strong hand in this matter. I believe the purpose of this cut motion is, as I have been able to understand it, to focus the attention of the Government on the volume and intensity of Indian public opinion on this question, on the question of maltreatment of Indians overseas and incidentally to censure the Government, because we believe, after all that we have heard from my Honourable friend, Sir Girja Shankar Bajpai, and my Honourable friend, Mr. James, that the Government have not done their duty to this country, and, therefore, we have to censure them. We want some bold concerted measure, strong measure which will at once bring these people to their senses. It is no use pursuing a policy

of sweet reasonableness. I understand that these people do not understand logic. The only logic that could be drilled into them, that could be driven home to them is the logic of either brute force or of £ s. d. The first is left out of account, because it is impossible. We are helots in our own country. We know how we are treated by you in our own country, and we are strangers in our own country. So, we feel that the only course which the Indians can adopt, which the Indians can effectively organise, if they are backed by the Government of India, is the policy of touching these foreigners, these Empire countries by stopping all financial transactions with them. If you do that, they will be brought to a reasonable frame of mind. I see my Honourable friend, Sir Girja Shankar Bajpai, smiles. The other day, in reply to some questions in connection with the "Dufferin" cadets, my Honourable friend, Sir Muhammad Zafrullah, stood up and said, well, there has been some circular that those who enjoy the Lee loot, who share in the Lee spoils, have to travel by the Empire shipping companies. Why? If these P. & O. Companies, if these Empire countries enjoy the bulk of our coastal and overseas traffic, can you not tell them: "Unless you remedy all those disabilities with which you have visited Indians, we will have nothing to do with you?" Unless you do that, I do not think you will have done all that is expected of you. Therefore, you deserve to be censured.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan, Urban): Mr. Deputy President, at the outset, if I am not considered audacious, I would like to thank my Honourable friend, Mr. James, for the speech which he has made on behalf of himself and his Party. This is a very important question often discussed on the floor of this House, on which there is really no difference of opinion between ourselves and the Honourable Members who sit on the Treasury Benches. My Honourable friend, Mr. James, reminded us of that excellent speech made by the predecessor of the Honourable Member, who has honoured us by his presence here today. It was, as he said, an exceptional speech and it showed how helpless was an Honourable Member sitting on the so-called Treasury Benches opposite, in matters like this, notwithstanding his being a man of exceptional ability and grit. Now, Sir, I have on more than one occasion not in a taunting spirit, but in order to point out the exact constitutional position—said that my Honourable friends opposite are really the agents of the Secretary of State who is responsible to Parliament.

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

**Sir Cowasji Jehangir:** That is the true constitutional position, and if we can get Honourable Members, who sit on the benches opposite, to agree with us completely in principle, and if we can be satisfied that not only do they agree by expressing their agreement on the floor of the House, but go a step further by expressing their opinions to the Secretary of State, and, through the Secretary of State, to the Colonial Office in the strongest language possible, perhaps in just as strong language as could be used by any of my Honourable friends on my right, they have done their duty, so far as we are concerned. Therefore, Mr. President, a vote of censure on the opposite benches over this particular

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question of our disabilities overseas is rather a misnomer. They are not the Members of Government whom we should really take to task. I remember an occasion when my Honourable friend here (Mr. Jinnah), whom we are all pleased to see back amongst us, explained the position very logically. He said that our complaint is against the Secretary of State or the Colonial Office, but the Secretary of State is not here. The only persons who are here are his agents, and if we want to censure the Secretary of State, how are we to do it? Where is the machinery? The only machinery available to us under the Constitution under which we are working is to censure what we call the Government, but the Government immediately turn round and say "Why censure us? We have done all we can and we are doing all we can. If we don't succeed as well as we would desire to succeed, it is not our fault," and, thereupon, my Honourable friend on my right (Mr. Jinnah) replied: "Then, how are we to get at the persons whom we wish to censure? If you wish to censure the principal and you cannot get directly at the principal, you censure his agent, and that agent can pass on the censure to the principal". That is the position. Now, Sir, I personally most willingly admit that, in this question, the Honourable Members on the Treasury Benches have done their very best, both Englishmen and Indians. They have represented our case with great ability. They have not let the grass grow under their feet. They have taken action as soon as they possibly could.

I would divide this question mainly into two parts, the colonies and the dominions. I am not going to touch upon the dominions. We have many grievances against the dominions,—South Africa, Canada and sometimes Australia. I am not going to enlarge upon them, because I know that the British Government themselves have no control over them. They are members of a commonwealth of nations, but they are absolutely independent and we know it. They are as independent as France or Germany so far as such a question is concerned, and we might as well ask the British Government to take up such questions with Germany or France or Italy. They are practically in the same position, and, therefore, I leave them out; but it is a very different position with regard to the colonies. Our grievances against the colonies are many and various. We have got Kenya, Zanzibar, Fiji Islands, Malaya, and now are added Ceylon and Burma. Now, all these countries are directly under the Colonial Office and neither they nor their Legislatures can move one inch without the sanction of the British Government, and if there is injustice done to our people in these colonies, who is responsible? If the injustice can be proved, if their own agents here on the opposite benches are convinced that there is injustice, and we cannot bring it home to the Colonial Office, then I say it is the Colonial Office and the British Government who are to blame. They are represented in these colonies by their paid representatives who are as much the agents of the Colonial Office and the British Government in those colonies as are the Government of India in this country. They have to work under the orders of the British Government, and, if any injustice is done to us or to our people in the colonies, we can hold the Colonial Office responsible, and, therefore, if this vote is to be pressed to a division, I would myself consider it a vote of censure on the Colonial Office and the British Government direct, for not seeing that justice is done to

our people in such parts of the commonwealth of nations over which they have direct control. I hope that, if we pass this vote of censure, the Government of India will make every use of it and put it in the proper light and understand that it is not a vote of censure on the gentlemen opposite, and that they, along with us, will vote for a censure on the Colonial Office, and I think, Mr. President, that is the way to look at this debate.

Now, Sir, let me point out what has been pointed out on so many occasions. I would like to point out to the British statesmen in England that if it is worth their while that this great Empire, of which they are proud and of which some of us are proud, should last and stand on sound foundations, then it is for them to see that so far as it lies in their power in England, no part of the Empire is inequitably treated by any other part of the Empire, and, in this matter, let the Government of India impress upon statesmen in England that there is no difference of opinion in India in the slightest degree, no difference in any school of thought amongst Indians and among Englishmen in India; and that has been proved by the speech of my Honourable friend, Mr. James. Let them say one thing more—that there is no difference between Members of Government who sit on the opposite benches and ourselves, and let them join us in this unanimous condemnation of the treatment meted out to our Indian brethren in the colonies.

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

**Sir Cowasji Jehangir**: I have now finished; and I would only echo the sentiments expressed by Mr. James that, if the India Office is not able to help us with the Colonial Office, let our representatives who go to England get into direct touch with those who have power and influence in England, and impress upon them, not only the necessity of doing justice, but the very evil effects that the injustice that is being done to us is having upon their prestige, their honour and, above all, upon the British connection. (*An Honourable Member*: "Safety also.") Our friend, the Honourable Sir Muhammad Zafrullah Khan, who is going as our representative, can impress upon Englishmen in power this aspect of the case,—that if they do attach a great value to this connection, and we know that they do, then here is a method by which they can strengthen that connection, a method which up to now they seem to have neglected, and not realised the importance of; and he can urge upon them the importance of their taking more adequate action than they have done, and of insisting upon justice being done to our Indian brethren in the colonies. (Loud and Prolonged Cheers.)

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, in supporting the motion which has been made before the House, I cannot help referring at the outset to a statement, made two or three days ago, by an Honourable Member sitting on the other side of the House, but somewhat of an amphibious creature whose position I am yet unable to understand. Whenever he has referred to a question of importance in which we have had no redress, he has had the arrogance to call it a "faded flower". I only hope and trust that some day he will think over this withered flower; I hope some day, in cooler moments, when arguments are not likely to fail him, he will consider that it may easily

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happen, if the description of Sir Cowasji Jehangir is correct, that the British Empire may have to be easily described as a withered flower (Hear, hear); for, indeed, Sir Cowasji Jehangir is correct as when he said that as the result of the Statute of Westminster, the dominions who call themselves part of the British Empire are independent territories like France and Germany. I am reminded of what Mr. Keynes wrote in his last book on economics, viz., that the British Empire is now disintegrating by common consent excepting the colonies and India. I am only reminding the House of that in order only that it may be remembered that promises made of equality, of citizenship in the Empire, I hope, have some more meaning than smooth sentiments expressed through the mouth of my Honourable friend, Mr. James. While I accept every good office with a sense of regard sincerely expressed, I cannot accept the patronising sympathy which has been extended to us for a long period of time while it has never been translated into practice on any critical occasion and to any useful purpose. I am, therefore, not inclined every time to be impressed, as some of my friends will do as soon as they see a smile arise on a face on the other side, because it is difficult to agree with only two-thirds of the centre part of the House—it is only two-thirds of the centre back, in the language of some of the games with which I am familiar. I really am unable to understand to which side they belong, if ever we are able to spot them when the time comes on a crucial question.

But, Sir, the case is lost only to those who believe and accept it as lost, but never to those who believe that the case will only be won by those who will never accept, with the virtue with which my friends ought to be familiar:

“Never say, ‘die,’ until you are dead, and we will muddle through.”

I am, therefore, not standing here in this House on any footing of the type that has been described from time to time, that is, that this is a case of which there has been a certain amount of mitigation and that the mitigation is such as we should be grateful for, which is after all the only plea put forward by the Member who spoke on behalf of the Government. I quite agree he took a somewhat different constitutional view of the issue before the House than he need have taken.

My Honourable friend, Mr. Jinnah, explained long ago that after all if he cannot get at the principal, the only constitutional method is to get at the agents who express their helplessness here, but I am not inclined to think that it is even as good a case as that when I have examined one or two matters within the short time at my disposal. The point before the House is a short one, and it is this. Considering the history of the treatment accorded to Indians in the dominions and colonies or in independent countries, where do Indians stand today? It is not enough to say: “We all bewail the misfortune that we are discriminated against” as if that is going to be the consolation as the result of which the House and the Government of India and their principal, the Secretary of State, and Parliament, who say: “We are the trustees of the people of India in order to administer those territories”—I do not know for whose benefit,—are to remain satisfied; if they have any power or authority, if they mean and intend what they say, that the power is only to be exercised only for exploitation and not for restoring equality at least in the matter of treat-



ment. What would happen if an Englishman had discriminatory treatment in other countries; even individually, let alone racially (*Cries of "There will be a war, war."*). Therefore, it is idle to say that a censure of this kind is intended merely for the individual personnel of those who happen to be the third-hand agents, and I will accept their own description of themselves; "irresponsible to us, but powerless in themselves"—a situation more pitiable than any human being would ever like to occupy, for indeed I have never heard it stated by any one: "I am irresponsible to you, therefore. I will be arrogant to you, but I am as pusillanimous as a cat to my masters; therefore, I cannot do anything for you." Sir, I think that is a situation in which the Government of India should feel themselves thoroughly humiliated if ever they have to make a confession of that kind,—arrogance on the one hand, and pusillanimity on the other! Let us examine the facts, so far at least as the two cases dealt with by Sir Girja Shankar Bajpai are concerned.

Take South Africa. The glorious period whether resulted in an Act or it did not, the period between 1907 and 1913, is a fact which the Government of India, I hope, cannot and will never forget. That was the period in which it was not the Government of India who struggled for us, but the Indians settled in South Africa under the guidance and inspiration of Mahatma Gandhi. (*Hear, hear.*) (*Loud Applause.*) And they struggled and struggled without the assistance of their own Government, and without any help from any of the armies for which we pay, and from the tributes which we pay, and the invisible services for which we pay,—it is not they who struggle for us, it is the Indians who suffer the privation of being sent to jail, segregated, expelled, exiled, their properties confiscated, and with the Government of India and Parliament not assisting in any manner, and the voice of the people is heard solely through the voice of those who do the struggle. That is the process which we wish to carry on in this land also, not with their assistance, but despite them, so that we shall achieve the purpose we have in view. Therefore, you must remember that in South Africa the less the Government of India or their representatives say, the better for them about their having done their best or their minimum duty. Undoubtedly, it is true that a period followed in which similar epidemics took place. They were only suspended during the Great War between 1914 and 1919. I know that an epidemic came in 1919. I also knew that an epidemic came in 1923, and the last epidemic has now come. And what is it that they say? They say: "Yes it is true the patient's leg is cured, but his heart is in danger. Wait and see until he is dead." That is the description they give of the solicitous care that this Government of India take care of us. I wish to read to the House three cables which I have received during the last few days from the representative Indians from Transvaal. The first is dated the 21st February, and runs thus:

"South African Indian Congress executive appeals you exert pressure on Government India by moving adjournment motion as protest supine attitude Government India on Pienars and Groblers Bills introduced. Union Parliament Pienaar seeking prohibit employment Europeans by Indians and other non-Europeans. Groblers referring wives 50 of Indians who are Europeans Malays or coloureds married according rites Indian religions as concubines and prohibiting ownership property by these and their children and forfeiting property presently owned after six months. Bills unjustifiable and offering gratuitous insult to Indians as a race. Miscegenation and a million people of mixed blood in South Africa not work of Indians but of European forebears of introducers of Bill. Grobler was member Goodwill Delegation that visited India."

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The next cable is dated the 3rd March. It runs thus:

"Further my cable regarding anti-Asiatic Bills executive grateful for action taken by you and party. Prime Minister, General Hertzog, refused appeal through Agent General received Congress Deputation. Subject matter Bills referred Select Committee personnel eleven of whom excepting Chairman Hofmeyer and Derbyshire balance hold definite and pronounced views in favour of principles Bills . . . ."

So that, you may be quite certain that the patient who was cured in the foot and who was suffering from heart disease is likely to die. Only the constitutional position has been mentioned here. It has only been referred to the Select Committee. But you must remember constitutionally the position is not accented so far as the principle of the Bill is concerned, as if either the Honourable Member or anyone else believed that there was any other event likely to occur as the result of their exertions except that the Bills will be duly passed into law of the South African Union. The cable goes on to say:

"Executives constrained feel that composition Committee surrender to reactionary element Union Cabinet and deliberately backed to achieve object of Bill despite facts and equity."

The third cable, which is dated the 7th March, runs thus:

"Notwithstanding reason objections submitted Minister Agriculture when Congress deputation interviewed him Capetown he promised give sympathetic consideration representations effecting economic existence 21,000 Indian agriculturists and in fact call for draft amendment proposals from Congress. All clauses marketing Bill objected by Congress particularly clause 21 which expressly excludes Indian farmers voting resolutions schemes have passed committee stage Union Parliament. Thus sealing fate 21,000 Indians and their dependants. This exclusion racial grounds addition growing volume colour bar prohibitions in Legislative enactments this country. Minister replying debate Parliament called Indian community tragic and stated discrimination grounds colour inherent this country this declaration conclusively revokes promise contained uplift clause Capetown agreement. Community dismayed and besieges Party arouse people Government India gravity situation here."

Sir, if this is the type of legislation or executive action which my friend considers is an improvement of the condition of Indians settled in South Africa, he must learn his English over again. I am quite certain that he is an adept in that language and in many others as well; the truth is that but for the fact that he was put into the almost difficult position of defending the impossible, he would not have asked the House to say that the condition of Indians is not deteriorating. That, Sir, is so far as South Africa is concerned.

Come now to Zanzibar, which is neither a colony nor a dominion but a Protectorate. The Zanzibar Government fully admitted that long before the British ever went there, the Indians settled there and assisted them in the creation of the only industry, which is the largest agricultural monopolised industry, the growing of cloves. It was Indians' skill, their economy, their industry, their money, and their enterprise which created the industry and which gave an excuse for the British Government to send an ambassador to protect us who in due course of time instead of being a protector became the murderer. That is the position with the British representatives in Zanzibar so far as our economic interests are concerned. I will not take you through the long course of disgraceful legislation, because there is no other word for it which they call decrees, which has taken place during the last two years in Zanzibar, no doubt under the inspiration and influence

of those who control politics or embarrass the protectorate, whatever that may be. The rights of paramountcy are taken to be, I believe, similar to those which they exercise over the "great" Ruling Chiefs of this country. Anyway, under his (British) advice these decrees have been passed. And what is the result of those decrees? And here, I am sure, the Europeans at least are sufficiently sensitive. If a moratorium is declared for two years for any man who has got to meet his own obligations honourably: what will be his position except the bankruptcy court, and yet this Government sit down and say: "Oh, yes, the moratorium has been going on for two years and there has been some delay in the payment of money." They say, some delay. Do they understand economics? If that is their knowledge of economics, I certainly will not have them for the simple reason that they do not understand the effect on the economic position of men who are honourable and have got to meet their obligations when their debtors are allowed, as the result of law, not to pay their debts for two years. And yet they are complacently sitting down and telling us: "Oh, but, after all, not very much has happened. Why are you so perturbed? Why are you censuring us? We are going on in the same jolly old way. Why do you talk of this trouble?" Sir, if I had the time, I would have read out their own answers as their condemnation—those which my Honourable friend, Mr. Laljee, was going to point out. They have themselves said that so far as they are concerned, they have admitted by their own confession, the restrictions to which the Indians are subordinate whether within or without the Empire, whether in dominions or in colonies or in Protectorates, they are such that they cannot be very proud so far as any action on their part is concerned. I would like to say one thing more in this connection. In the year 1924, an Act was passed by this Legislature to regulate the entry into and residence in, British India of persons domiciled in other British possession and, if I am correctly informed, no rule has been passed, under this Act. I would like to call the attention of the House to section 3 of this Act which runs thus:

"The Governor General in Council may make rules for the purpose of securing that persons not being of Indian origin, domiciled in any British Possession, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such Possession to persons of Indian domicile."

You have some sort of ability for a retaliatory measure. Has it ever occurred to the Government to take these measures? I have looked down the list of laws which could have been enacted to see if any restriction was imposed as it was possible for the Government to impose under the Act passed in 1924. The Government of India say: "But, oh! we have made representations". I suppose they have forgotten that such an enactment was in existence and passed by this House. The fact remains that they do not wish to do anything. They dare not do anything. They are always sat upon if they attempt to do anything. They pass solemn pieces of legislation, but they dare not use them for the purpose for which, at all events, they were honestly intended. When my Honourable friend, Pandit Govind Ballabh Pant, introduced a measure, it was some mercy that sanction was accorded to its introduction. But what prevented the Government of India if they were really so minded to adopt themselves the measure proposed to be introduced by Pandit Govind Ballabh Pant. They would have had the support of the whole of this House if any retaliatory measure was put forward by way of legislative enactment on the lines, the principles

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of which were already accepted nearly 12 years ago. We are not here to be told: "Oh! yes, your condition is bad enough, but something is going to be done for you, something is being done for you". Well, Sir, this is a basis which I will not accept and which I hope no decent Indian will listen to, for it is not a mere matter of self-respect, it is a matter whether you are a human being or an animal. Either we should be treated with equality with other men in other countries or they should admit that the position of the Government of India is not one of justification in defence, but of hopelessly sitting and saying, that you had better take over charge and by some other method do what you can do. It is your action or your inaction which led to Satyagraha in South Africa where my countrymen and country-women struggled for a period of seven years. It does not matter with what result, because it was a foreign territory. But allow me, Sir, to assure them that we will not struggle in vain in our own country to acquire the Government of our own for the purpose of our own amelioration. For we do not see that there is anywhere else to look to. A legislation is passed and treated as a dead letter. No other measure of legislation can be brought in. For I cannot understand, as has been said by my Honourable friend, Mr. Joshi, what soporific effect was produced on their own mind by the proposed measure of Pandit Govind Ballabh Pant. What prevented the Government from taking up the Bill themselves and passing it in a day's time. It would have required no discussion, there would have been no division, and at all events this Legislature would have had an opportunity to do all it could so far as we are concerned. The Parliament continue to treat dominions and other persons under their influence in one way, and treat Indians only as inferiors. Let us not be told that our inferiority is being mitigated. We will stand up for all time and every time for restoration of equality, and, pray, keep your ways of prudence and wisdom of cowards to yourselves. (Applause.)

**The Honourable Kunwar Sir Jagdish Prasad** (Member for Education, Health and Lands): Mr. President, I hope that the House will extend to me the indulgence which it generously gives to those who have the privilege of addressing it for the first time, and indeed I need this indulgence all the more, because I have to follow a speech powerfully delivered with all the eloquence, all the emotion and all the ability which we know is associated with the name of the Leader of the Opposition. (Applause.) Before I proceed further, I should like to say that the case for the Government has been presented with his usual skill and eloquence by my Honourable friend, Sir Girja Shankar Bajpai. He has personal acquaintance with many of these countries. He brings to this subject of Indians overseas great ability and experience and great knowledge, and he has made my task all the easier.

Now, Sir, what is the gravamen of the charge which the Leader of the Opposition has made against Government? He said that we are arrogant to the Opposition, that we are pusillanimous before our superiors, that we are supine, and that we let the interests of our nationals outside go by while we sit here in our office chairs and discuss, paying no attention to what is happening abroad. He has given two instances, those of South Africa and Zanzibar. I will take up the question of South Africa first. We all know the feelings of indignation and resentment which have been

caused throughout India since the two measures were sent to the Select Committee in the Parliament of South Africa. But it is of great moment for us here in this House to decide what is our objective. I take it that the objective is that we should be able to protect the rightful interests of our nationals in South Africa in regard to these two Bills. We must face the fact that in dealing with this question, it is a matter of great delicacy. I need not remind Honourable Members that it is a fact which must be recognized that so far as the people and the Parliament of South Africa are concerned, they have sovereign powers. Situated as we are, working under the conditions which we do at present, I hope the House in its calmer moments will agree that the only weapon which we have at present is that of moral suasion, the justice of our cause, the correctness of our reasoning. It would not do for me and therefore I would be really guilty of the charge which my Honourable friend made before. I would be guilty of arrogance if I were to utter words, if I were to use phrases which could not be put into effect. I must not use words which are likely to embarrass our friends in South Africa and I am glad to say that we have some friends there, and which would give a handle to those who oppose us there. My Honourable friend, Sir Girja Shankar Bajpai, has already said that the Government of India regard these two measures with grave concern. We have been throughout in constant communication with our Agent-General. We have put forward our views before the Union Government. We have communicated to them the reactions that these measures have produced amongst the people here. Let me again implore that in these delicate negotiations, let not our anger and our irritation get the better of our judgment, let us not take action which may prove injurious to our nationals in South Africa. For what is the alternative that the Honourable the Leader of the Opposition has suggested. He said it is about time that you get away from your Despatches and from your presentment of cases. What is the alternative in dealing with this particular question about South Africa? He said, why have you not used retaliation? Why not use the weapon of retaliation? May I tell Honourable Members of this House that there are about 200,000 Indians in South Africa, that perhaps the number of South Africans here in India is less than 100. What is the measure of retaliation that you would ask us to use in regard to this question. While much might be said on theoretical grounds either way on this question, you have as practical men to see whether the injury that you are likely to cause to the people of South Africa here will be in any way comparable to the injury which you may cause to your nationals there. Will it not be that as soon as a measure of this kind was passed,—and I do not wish to discuss that in detail,—we should have to recall our Agent-General? Who is then to help them? Is this the message that we are to send to our people in their time of crisis, in their time of dire necessity, that until the constitutional position in India is settled they must act for themselves and not expect any help from us because we at this moment are immersed in a struggle and have no time to go to their assistance? Is that the message, I ask, I should send out to the people in South Africa? If that is not the message, then I must ask that the method of negotiation must continue. I know that we have often failed: I know that in the past our efforts have not been as successful as they might have been. I grant all that; but for the moment I say that I see no other alternative except to trust that reason and justice and the desirability of gaining the goodwill of India now,—that these arguments may help our people.

[Kunwar Sir Jagdish Prasad.]

I come to Zanzibar. Again the indictment was of complete indifference, of dilatory methods, of disregard of the interests of our people there. Sir Girja Shankar Bajpai told the House that the moment that the decrees were published we sent Mr. Menon to inquire and let us know what the facts were; that subsequently we sent Mr. Bozman to assist our countrymen in presenting their case. As soon as the Binder Report was received, we made our representations and we put forward our arguments. It is impossible for me at this stage, while negotiations are going on, to disclose the proposals that we have put forward. I would ask Honourable Members not to prejudice what we have done and not to assume that we are so indifferent to the happiness and the economic contentment of our nationals abroad as they seem to imagine. I can assure them that since I have been in charge I have done my utmost; I agree that the endeavour has not been equal to the achievement, but I can assure you, Sir, that so far as endeavour is concerned, we plead not guilty.

I now come to the general question of the disabilities of Indians. That there are these disabilities is patent; it requires no commentary from me. I fear that these disabilities have their root in racial prejudice. Legislation and executive action which hurts our honour and our self-respect is bound to cause the greatest possible resentment in this country,—specially a country with an ancient civilisation which has done great deeds in the past and which hopes to do greater deeds in the future. It is our profound conviction and firm contention that this racialism and this racial prejudice are things unworthy and ill-favoured, the relics of an ignoble age, that they produce anger and hatred, and that it is the business of all of us to eradicate them as they prevent that growth of amity and goodwill which we all desire. Then, Sir, appealing a little beyond this House, to the peoples and the Governments who control the destinies of our people outside, I ask them whether it is not wisdom, whether it is not in their own interests, to win the goodwill of India, to treat these civilised people with justice and fairness. There is enough strife and antagonism in this world at present. Is it right that they should multiply the causes of conflict? I trust that this appeal may not go unheeded.

Sir, you will bear with me if I now strike a more personal note. Distinguished Indians have preceded me in this office. I have not their ability or their sense of affairs, but I can assure this House that I have spared no effort to do what I could within the limitations which Honourable Members can realise and understand, to promote the welfare of our people outside. I can assure them that there has been no deviation from the tradition which has been firmly established, that so far as this question is concerned, there is no difference between Government and the people, here and outside. And when I say "people" I include all races, Europeans and Indians and all sects. The question has always been above party politics. I would therefore like my Honourable friends opposite to consider,—and here I may say that I hope it is not thought that I have been indifferent to public opinion and I hope my past record will not bear testimony to the contrary,—I ask them to consider whether it is necessary to divide on this issue, whether it is in the interest of our people outside that there should be any division. I think we deserve some encouragement and some commendation for our efforts and not displeasure or disapproval.

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

"That the demand under the head 'Department of Education, Health and Lands' be reduced by Rs. 100."

The motion was adopted.

DEMAND No. 12—EXECUTIVE COUNCIL—*contd.*

*Frontier Policy.*

**Mr. M. Asaf Ali** (Delhi: General): Sir, I move:

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

and I wish to discuss the frontier policy of Government on this motion. It was my privilege to move a similar motion last year, and when I raised this question last year, I believe it was after 13 years' silence that this House heard anything about the frontier policy; and it was very fortunate that not only the Foreign Secretary but also the Army Secretary participated in the debate and tried to illuminate this subject which had been under a cloud of darkness for a long time. This morning, the Honourable the Foreign Secretary, in answer to a question, made the following statement:

"The situation there alters from day to day, and information which I may give to the House now may be incorrect tomorrow."

As it happens, the information which he gave to the House this morning was equally incorrect, because the information which appeared in the papers only yesterday was that all was not quiet in the North-West Frontier Province, but according to the Foreign Secretary's statement today, it appeared that the province was perfectly quiet. I have got to make one or two complaints before I proceed to the subject in hand . . . .

**Sir Aubrey Metcalfe** (Foreign Secretary): May I, on a point of explanation, say that I had no intention of stating that the situation was perfectly quiet. I should have thought that my reply to the question would have made that clear.

**Mr. President** (The Honourable Sir Abdur Rahim): That is a matter for argument.

**Mr. M. Asaf Ali**: I was only just reading from the statement of the Honourable the Foreign Secretary this morning and I shall be able to show him that the statement he made even last year was perfectly incorrect because when I refer to the administration report, I find that while the Honourable the Foreign Secretary was assuring us that the frontier was perfectly restful, the administration report states that it was full of trouble and the trouble has continued not only after his last year's speech, but right up to this moment and threatens to continue in the future unless they abandon the policy which they have been pursuing for the last seventy years in a most inconsistent, irrational and preposterous manner, provoking the independent tribes to retaliate only by way of reprisals against their acts of aggression. I was just going to say that I have a few complaints to make. My first complaint is this: the North-West Frontier Province was created, I believe, in 1901. The administration reports which were published from that date always were fairly bulky and they gave sufficient information for people to form some opinion about



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what was happening there. Of late, however, the administration reports have dwindled down to a few pages and look like a sort of a production from the yellow press, and they contain hardly anything. You can gather nothing about the administration of this province. All that you can read there is a statement of the various quarrels that have been going on between one tribe and another. You know nothing about the revenues, nothing about the actual state of affairs in that province; and this, if you do not mind, relates to the settled districts. We expect something better than that. My next complaint is that: last year, the Defence Secretary was good enough to read extensive passages from a certain pamphlet which was circulated to the Members of this House, which contained some information about defence affairs. I should like to go back to it for a moment. The Defence Secretary said at the time that the Members of this House knew hardly anything about the circumstances of the North-West Frontier Province and although they had been supplied with enough information they did not even take care to read it. Then he proceeded to give the following information:

"Every grown man that is now in the North-West Frontier Province is a potential warrior. Their combined fighting strength may be put at nearly half a million, and they possess between them at least 250,000 rifles most of which are modern weapons of precision. The man behind the gun is probably as good a marksman as is to be found in any part of the world, and the character of the country is such as to lend itself admirably to the guerilla warfare in which these men excel, etc., etc."

Then, he said the Third Afghan War and the occupation of Waziristan from 1919 to 1924 cost nearly 11 crores a year. Since 1924, under the present policy of civilising and quartering of troops in tribal areas, combined with the expenses of the air arm, the expenditure on operations up to April 1934 had fallen to 12½ lakhs a year. Now, it appears that today when information was asked the Honourable the Foreign Secretary said that, during the past year, only about 12 lakhs had been spent on the operations undertaken in regard to the Khaisora valley operations, etc. He had not taken into account the other 12½ lakhs which were mentioned last year and he made no mention whatever of another little fact, namely, when I referred to the explanatory memorandum this morning I found that in connection with the defence services there occurs the following paragraph:

"Following on the implication at (A) above it has been necessary to revise the cost of the re-equipment programme. In regard to (B), liabilities which have accrued make it apparent that reequipment cannot be made for less than about 12 crores of which it will be seen that about 8 crores will have been completed by the end of the current financial year, leaving a balance of 4 crores to complete. To meet this liability, rather over one crore is available and earmarked in the defence reserve. But for the fact that the cost of the North-West Frontier operations in recent years had to be met from within the ordinary budget provision for defence services the amount available would have been much greater than this."

This means that the policy which the Government have been pursuing; this policy of civilising and quartering troops in the tribal areas, has been making a big hole even in the ordinary defence budget of the year; and they have not been able to carry out even their re-equipment programme which has by now risen from 10 to 12 crores. They have not been able to re-equip the defence forces properly and instead of the ordinary programme costing them 10 crores, it is now going to cost them 12 crores; and on top of that we find that they have had to spend over 12 lakhs on their own showing on these operations. How did these operations originate?



My simple answer to the question is that these operations are necessitated by the fact that the British Government or the British Indian Government, whichever it may be, has been treating the independent tribal territory as their own and they have been trying to bring people who are utterly independent under their control. The result is that these people, who have never allowed themselves to be subdued by anybody throughout the course of ages and centuries, resent it and they want to retaliate, and conflicts occur. If I may repeat it once more, the policy, which the Government have been pursuing for the last 70 years, is inconsistent, irrational and preposterous. Sometimes it has been the forward policy, sometimes it has been the half forward policy, sometimes it has been the policy of "hit and retire", sometimes it has been the policy of masterly inactivity, and sometimes it has been the policy of peaceful penetration, and this policy of peaceful penetration, as I have tried to explain, has been costing the Indian exchequer, on Government's own showing, more than 12 lakhs of rupees a year in trying to slaughter innocent people, to bomb them and to make inroads upon the independent tribal territories. This cannot be called a policy of peaceful penetration; if anything, it is about the most explosive way of entrenching on other's territory.

Sir, this morning, the Honourable the Foreign Secretary told us: "Oh, you forget that this territory is within India." Well, Sir, sitting in Delhi or Simla, if the Foreign Secretary draws even a further line and says that another bit of territory that lies beyond the Durand Line is also within India, I suppose we can call it part of India. Sir, I should like to say how that territory ever came within India. Up to 1893, this particular bit of territory was neither Indian nor Afghan territory. It was about that time that Sir Mortimer Durand was entrusted with the task of negotiating a treaty with Afghanistan with regard to this tribal area, because it was considered neither Indian territory nor anybody else's territory,—it was really no man's land,—with the result that the Amir of Afghanistan thought that the best course for him was to say: "Oh, yes, consider it Indian territory, I am not going to be responsible for it, if you are going to invite trouble, have it." So a convention was concluded, and it was called the Durand Convention. This was done in 1893. It led to suspicions throughout the Frontier. It started a conflagration all along the Frontier. By 1897 they had to resort to a big, a major operation which was conducted by General Lockhart, and all the other territories like Malakand, Chitral, Mohmand, in fact the whole of the Frontier was in flames. Why was it in flames? Because the demarcation of this Durand Line was being pursued. Their survey parties were going there. Their middlemen who had been bribed were trying to get hold of these people and all that kind of thing was happening there, with the result that all these tribes became very suspicious. Their suspicions were roused; they felt that although their territory had been immune from anybody else's control and they had been free and independent for ages, now their territories were going to be annexed by the British Government. For whose benefit? For nobody's benefit whatsoever, because, after all, it is not a territory of any great value except of strategic value, and even in so far as the strategic value is concerned, I am afraid the Government of India have pursued a wrong policy altogether, because I believe there are four frontiers which have been held to be the correct frontiers of India from time to time. There was a time when the Indus frontier was supposed to be the correct frontier. Of course, today there is no question of the Indus frontier, because you have created this new province, and you must

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be there. I am not suggesting that it is possible for you to fall back on the Indus frontier now. Now you are occupying the territory of the settled districts. As the Honourable the Foreign Secretary told us last time, there are three ingredients in this. You have got the settled districts you have got the territory lying between the settled districts and the Durand line, and you have got beyond that the Cis border . . .

**Sir Aubrey Metcalfe:** The administered border, then the tribal area . . .

**Mr. M. Asaf Ali:** Yes, the half administered area and utterly un-administered tribal area, and so on. These three ingredients are there. In so far as the settled districts are concerned, they correspond to what has been described by various persons as the scientific frontier of India,—I am now relying upon some authorities, for instance,—Captain Davies, who happens to be a fairly well known authority,—He thinks that the really scientific border of India would be Kabul, Ghazni and Kandahar. If that is the scientific frontier, I ask the Government of India to go and occupy that frontier and be done with it. If they are prepared to do it, let them do so; if they are not in a position to go and occupy the scientific frontier, then let them keep to the settled districts, and not go beyond those. But the Government of India must declare today unequivocally, un-ambiguously, that all the territory that lies beyond the settled districts is perfectly independent, and they are not going to encroach upon that territory, because every encroachment, every road they start making there creates trouble. It costs Indian exchequer money; it costs the country blood and money. For, after all, who gains thereby? Nobody. After all, all these ages these people have been independent there, they are independent today, and they will continue to be independent whatever you may do. It has been calculated, Sir, that during the last 70 years there have been no less than 26 major operations conducted by the Government, and I should like to know from the Honourable the Foreign Secretary how much these 26 major operations have cost India. Have they cost more than a hundred crores? Just think of the money the Government of India have wasted, and after having conducted these 26 major operations, what is the situation today? The situation today is that you still tell us that the Frontier is disturbed; you have to carry out another operation, another campaign, that is to say, we are no nearer the mark . . . . .

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

**Mr. M. Asaf Ali:** Yes, Sir. Within fifteen minutes it is really impossible for me to say all that I have to say. I shall not exceed my time. I am only just making an apology to the House that within the time allotted to me it is not possible for me to cover the entire ground. It is too big a subject.

Finally, Sir, I say that the Government of India in pursuing this policy of peaceful penetration, which is not a policy of peaceful penetration, but a policy of aggression, aggression pure and simple, aggression of a type which cannot be tolerated by anybody, let alone those hardy, brave

fighters who prize their liberty more than their life,—are making the greatest blunder. If you want to subdue them, you are very much mistaken. You will only waste your money and your lives, and never come to any conclusion. Even in the North-West Frontier Province they are not presenting a very fine example of peace and progress. What have they done? Only in 1930-31 hundreds were butchered, hundreds were stripped naked, because they wanted nothing else but freedom for themselves and freedom for India, because they were demanding that Mahatma Gandhi's movement should succeed, because they were demanding that the Congress movement should succeed, they were demanding that India's freedom should be maintained. It was at that time that you flogged them, you stripped them naked,—you butchered them, with the result that you present an example to those whom you want to civilize that, if they were also to come within your control, they would be treated similarly. Do you then expect these people to come under your control? Sir, this is a policy disastrous to India, a policy which is fraught with grave risks to the country, and in no case can any Indian possibly support it.

**Mr. President** (The Honourable Sir Abdur Rahim): Cut motion moved:

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

**Pandit Krishna Kant Malaviya** (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): Sir, it is not a pleasure to me, rather it is very painful that I have to stand in this House to speak on the cut motion so ably moved by my Honourable friend, Mr. Asaf Ali. I want to make it plain that, by opposing this cut motion, I do not support the methods that have been adopted by this Government. I do not approve of all the expenditure that has been incurred in the name of operations, or whatever you call it. But I would request my Honourable friend, Mr. Asaf Ali, to go over his speech himself once and he will find that he has given up his case altogether. He said: "We have had the Indus Line; that was given up long ago." Those are his words, though they are not his exact words. Then, he said: "We have reached the Durand Line, and we have to remain there."

**Mr. M. Asaf Ali**: No. I never said that we have reached the Durand Line. I only said that the Government have never been able to reach the Durand Line and that they never can. There is a big territory between the settled districts and the Durand Line.

**Pandit Krishna Kant Malaviya**: I stand corrected. He said that we have given up the Indus Line. What else remains?

**Maulana Shaukat Ali** (Cities of the United Provinces: Muhammadian Rural): Come back to settled districts.

**Pandit Krishna Kant Malaviya**: My Honourable friend, Maulana Shaukat Ali, says, let us come back . . . . .

**Maulana Shaukat Ali**: You will have to come back.

**Pandit Krishna Kant Malaviya**: That means that we stand self-condemned. Any nation worth the name any country worth the name, cannot allow its frontiers, to remain in the hands of unorganised tribes.

[Pandit Krishna Kant Malaviya.]

They are very good people, very valiant people—I have nothing against them, but we know and any administrator ought to know that they cannot serve the purpose of any buffer State between India and any foreign State. Military strategy—I thought that my Honourable friend would be discussing the military strategy, but he gave it up there. What does the military strategy demand? We know to our cost that our fore-fathers attached little importance to the frontiers; they did not attach the importance which it deserved and which was its due, with the result that we lost our country. It was said that our frontiers never extended beyond the Indus. With all my regard for my Honourable friend, Mr. Asaf Ali, I would like to point out to him, does he know where our frontiers stood during the time of even Maharaja Ranjit Singh?

**Mr. M. Asaf Ali:** I know, Sir. I am told that the frontier of India during Maharaja Ranjit Singh's time was on this side of the settled border, and not anywhere near the Durand Line.

**Pandit Krishna Kant Malaviya:** You have been told that. I have been there myself. That is all the difference between you and me.

**Mr. M. Asaf Ali:** I have got the administration reports.

**Pandit Krishna Kant Malaviya:** There is the Jamrud Fort which is still known as having belonged to the Sikhs. From Peshawar to Jamrud Fort and from Jamrud Fort to Khyber Pass, there is a road and we can go up to the Khyber Pass and at some distance there the Kabul Custom House stands. Now, the position is that the road which takes us to the Khyber Pass, the valleys on the two sides of the road are inhabited by these tribes. What I want to say is this, how can any country allow the defences of its frontier to remain in the hands of tribes which are fighting amongst themselves, as was said by my Honourable friend, Mr. Asaf Ali?

**Mr. M. Asaf Ali:** I never said anything of the kind.

**Pandit Krishna Kant Malaviya:** I might have heard it wrongly or the report of his speech may prove something else. However, I stand corrected. But so far as the tribes are concerned, how can we depend upon them for the protection of our frontier, may I know? I do not want that there should be bombing, that there should be trouble, I wish them all that is good, I do not want to subdue them, but if we have to remain in this country, if we have to administer this country, well, the policy of the Durand Line is the only policy, the only correct policy which we ought to follow and which we have to follow. It was, perhaps, Lord Curzon, who said that Frontiers are indeed the razor's edges on which hang suspended the modern issues of war or peace, of life and death to nations, and with this, Sir, we should also bear in mind the one great lesson of history that "every great power is ultimately forced to absorb the undeveloped states or tribes which inhabit its borders". This is the verdict of history, and it can be ignored only at our peril.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th March, 1937.