

28th November 1938

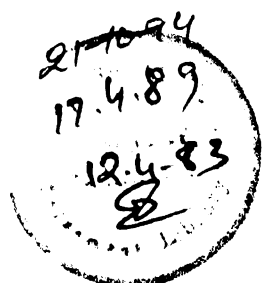
# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VII, 1938

*(10th November to 2nd December, 1938)*

## EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
1939

M437LAD

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I.

## *Deputy President :*

MR. AKHIL CHANDRA DATTA, M.L.A.

## *Panel of Chairmen :*

MR. S. SATYAMURTI, M.L.A.

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

SIR H. P. MODY, K.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

## *Secretary :*

MIAN MUHAMMAD RAFI, BAR-AT-LAW.

## *Assistants of the Secretary :*

MR. M. N. KAUL, BAR-AT-LAW.

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee of Petitions :*

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman.*

MR. A. AIKMAN, C.I.E., M.L.A.

MR. M. S. ANEY, M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

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

# CONTENTS.

VOLUME VII.—10th November to 2nd December, 1938.

	PAGES.		PAGES.
<b>THURSDAY, 10TH NOVEMBER, 1938—</b>		<b>TUESDAY, 15TH NOVEMBER, 1938—</b>	
Members Sworn . . . . .	2845	Starred Questions and Answers . . . . .	2959—3000
Starred Questions and Answers . . . . .	2845—76	Unstarred Question and Answer . . . . .	3000.
Unstarred Questions and Answers . . . . .	2876—87	Statements laid on the Table . . . . .	3001—02
Statements laid on the Table . . . . .	2888—95	Statement of Business . . . . .	3002—03
Motion for Adjournment re—		The Prevention of Cruelty to Animals (Amendment) Bill—	
Constitution of the Chatfield Committee on Indian Defence—Disallowed by the Governor General . . . . .	2895	Amendment made by the Council of State agreed to . . . . .	3003—05
Late running of the East Indian Railway trains and increase in the number of accidents—Ruled out of order . . . . .	2895	The Employment of Children Bill—Amendment made by the Council of State agreed to . . . . .	3005—08
Messages from the Council of State . . . . .	2896	The Ajmer-Merwara Municipalities Regulation (Amendment) Bill—Passed as amended . . . . .	3006—18
The Indian Income-tax (Amendment) Bill—Presentation of the Report of the Select Committee . . . . .	2896	The Indian Patents and Designs (Amendment) Bill—Referred to Select Committee . . . . .	3018—23
The Indian Merchant Shipping (Amendment) Bill—Introduced . . . . .	2897	The Railways (Local Authorities' Taxation) Bill—Motion to circulate negatived . . . . .	3023—41
Reports of the Public Accounts Committee . . . . .	2897—98	The Indian Cotton Cess (Amendment) Bill—Passed as amended . . . . .	3042—46
Demands for Excess Grants for 1936-37 . . . . .	2899—2914	The Destructive Insects and Pests (Second Amendment) Bill—passed as amended . . . . .	3047—48
<b>MONDAY, 14TH NOVEMBER, 1938—</b>		The Repealing and Amending Bill—Postponed . . . . .	3048
Member Sworn . . . . .	2915	The Indian Merchant Shipping (Amendment) Bill—Discussion on the motion to consider not concluded . . . . .	3049
Starred Questions and Answers . . . . .	2915—53	<b>WEDNESDAY, 16TH NOVEMBER, 1938—</b>	
Motion for Adjournment re Murder of Mr. N. G. Mazumdar, Superintendent, Archaeological Survey of India—Ruled out of order . . . . .	2953—54	Starred Questions and Answers . . . . .	3051—75
Death of Mustafa Kemal Pasha . . . . .	2954—57		

	PAGES.		PAGES.
<b>WEDNESDAY, 18TH NOVEMBER, 1938—<i>contd.</i></b>		<b>WEDNESDAY, 23RD NOVEMBER, 1938—<i>contd.</i></b>	
Unstarred Questions and Answers . . . . .	3075—77	The Indian Income-tax (Amendment) Bill—Discussion on the motion to consider not concluded .	3350—94
Message from H. E. the President of the Turkish Republic . . . . .	3078	<b>SATURDAY, 26TH NOVEMBER, 1938—</b>	
Amendments to the Ottawa Trade Agreement Rules .	3078—79	The Indian Income-tax (Amendment) Bill—Motion to consider adopted .	3395—3452
The Indian Income-tax (Amendment) Bill—Discussion on the motion to consider not concluded .	3080—3116	<b>MONDAY, 28TH NOVEMBER, 1938—</b>	
<b>THURSDAY, 17TH NOVEMBER, 1938—</b>		Death of Maulana Shaukat Ali	3453—56
Starred Questions and Answers . . . . .	3117—40	<b>TUESDAY, 29TH NOVEMBER, 1938—</b>	
The Indian Income-tax (Amendment) Bill—Discussion on the motion to consider not concluded .		Members Sworn . . . . .	3457
<b>MONDAY, 21ST NOVEMBER, 1938—</b>		Starred Questions and Answers . . . . .	3457—3502
Member Sworn . . . . .	3177	Unstarred Questions and Answers . . . . .	3503—13
Starred Questions and Answers . . . . .	3177—3211	Statement <i>re</i> Draft Conventions and Recommendations adopted by the 21st and 22nd (Maritime) Sessions of the International Labour Conference .	3513—15
The Indian Income-tax (Amendment) Bill—Discussion on the motion to consider not concluded .	3211—45	The Indian Income-tax (Amendment) Bill—Discussion on the consideration of clauses not concluded .	3515—23
<b>TUESDAY, 22ND NOVEMBER, 1938—</b>		<b>WEDNESDAY, 30TH NOVEMBER, 1938—</b>	
Starred Questions and Answers . . . . .	3247—79	Starred Questions and Answers . . . . .	3529—70
The Indian Income-tax (Amendment) Bill—Discussion on the motion to consider not concluded .	3279—3311	Unstarred Question and Answer . . . . .	3571
Martyrdom celebration of the ninth Sikh Guru Tegh Bahadur . . . . .	3312	The Indian Income-tax (Amendment) Bill—Discussion on the consideration of clauses not concluded	3571—3615
<b>WEDNESDAY, 23RD NOVEMBER, 1938—</b>		<b>THURSDAY, 1ST DECEMBER, 1938—</b>	
Member Sworn . . . . .	3313	Starred Questions and Answers . . . . .	3617—54
Starred Questions and Answers . . . . .	3313—47	The Indian Income-tax (Amendment) Bill—Discussion on the consideration of clauses not concluded	3654—98
Statements laid on the Table .	3347—49		

	PAGES.		PAGES.
FRIDAY, 2ND DECEMBER, 1938—		FRIDAY, 2ND DECEMBER, 1938— <i>contd.</i>	
Starred Questions and Answers . . . . .	3699— 3743	Motion for Adjournment <i>re</i> Setting up of a new memo- rial of the Badli-ki-Serai Battle near Delhi—Adopted	3746—47, 3773—80
Unstarred Questions and Answers . . . . .	3743—45	The Indian Income-tax (Amendment) Bill—Dis- cussion on the considera- tion of clauses not concluded	3747—73
Statements laid on the Table .	3746		

# LEGISLATIVE ASSEMBLY.

Monday, 28th November, 1938.

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.

## DEATH OF MAULANA SHAUKAT ALI.

**The Honourable Sir Nripendra Sircar** (Leader of the House): Sir, may I have your permission and the permission of the House to mention the very sad event of the passing away of Maulana Shaukat Ali, a very prominent figure in Indian politics? I am sure that others who have known him longer and more intimately will speak at greater length, but I cannot help saying a few words on this occasion. I may also be pardoned if I quote some passages from an article in the *Statesman* of today, because I cannot put the matter better than it has been done there. It says:

"Throughout his life he was a staunch fighter for Islamic causes. . . A zealous guardian of the Moslem community's rights, he was at the same time a fervent Nationalist and strove hard for communal unity. In the general election of 1934, that led to the defeat of a number of notable public men, both Moslem and Hindu, Maulana Shaukat Ali secured an ample majority for a United Provinces constituency, and at once became one of the Central Assembly's personalities."

I may also add that in the Select Committees and also in this House we very much appreciated his presence and his services, and if I may add further from what has been said in that same article:

"Not in Islam only will there be the sense of irreparable loss that always invades us when a personality abounding in energy is suddenly struck down. No one ever thought of the Maulana as old. He strode through life, a gigantic, charming, boisterous, friendly figure. Always he seemed to be enjoying himself. . . . The Big Brother was a rousing fighter. . . ."

And I think the conclusion in that article expresses a sentiment which will be generally accepted by not only every one in the House, but by people outside:

"None of his opponents can, we think, ever have hated this vital, friendly, magnificent man. India is indeed poorer, for there was a richness in him."

Sir, I beg to request you on behalf of the section I represent in this House that you will be good enough to convey to the proper quarters our deep sense of loss over the demise of Maulana Shaukat Ali.

**Mr. Bhulabhai J. Desai** (Leader of the Opposition): Mr. President, on behalf of myself and my colleagues, I rise to pay our humble tribute of respect and admiration to the memory of Maulana Shaukat Ali. The sudden and sorrowful death of the most vital figure in this House has robbed not merely this House, but has left India poorer indeed. Magnificently endowed as he was in mind, in emotions and in physique, he was out out for the larger life which he chose for himself along with his brother Maulana Muhammad Ali. And I recollect the days when in the Bar

[Mr. Bhulabhai J. Desai.]

Library in Bombay, Maulana Muhammad Ali came with the *Hamdard* which he had then started and I first made the acquaintance of the two brothers. Maulana Shaukat Ali was among the pioneers of the freedom movement in this country. And notwithstanding the fact that in the infinite varieties of life, he espoused many causes, the greatest quality of the Maulana was that with the directness and the simplicity of the faith, both personal and spiritual, which he entertained, he threw himself into them with a concentration and an energy which has yet to be surpassed. But with all that abounding energy, he was a man of peace, and when all the causes are forgotten in this varying complexity of human drama, the spirit behind it will remain,—the vigour, the energy, the concentration and the cleanness of the fight. He loved *bonhomie*; he would never break the bounds of human equality and human friendship, and he will always remain with us, the same united brother that he lived and died.

**Mr. M. A. Jinnah** (Leader of the Muslim League Party): Sir, my very close and intimate association with Maulana Shaukat Ali naturally affects me personally very deeply. He was a friend of mine and we knew each other now for more than 25 years. His sudden and unexpected death has given a blow over which I personally find it very difficult to get over, a blow to the Mussalmans of India and, if I may say so, to the people of India. Maulana Shaukat Ali worked courageously and honestly, and he was a great fighter. He, by his actions, demonstrated that no sacrifice was too great in the service of his community and his country. He was a lovable nature, full of affection, large-hearted, and he bore no malice towards any one. Sir, it is very difficult to express adequately what one feels for a man like that. But I am sure I am not exaggerating when I say that in him I personally have lost a dear friend and a colleague and a staunch and loyal co-worker. In him the all-India Muslim League has lost one of the strongest pillars of that organisation. In him India has lost a great big man and a great soul. Sir, the loss is irreparable and I wish and pray that his soul may rest in peace. His is an example of service, not only to his own community, but to the country, for which it is difficult to find a parallel. I hope that you will convey to his family our deepest sense of sorrow and sympathy for the loss that they, who are directly connected with him, have suffered and the country at large deeply mourns his death.

**Mr. M. S. Aney** (Leader of the Nationalist Party): Sir, on behalf of my Party, I desire to associate myself with the feelings which have been given expression to owing to the death of our colleague, Maulana Shaukat Ali. I had the pleasure of coming in contact with him since the year 1920, and you will be surprised to hear that owing to my differences with Mahatma Gandhi on the triple boycott programme at that time, Mahatmaji thought of having a conversation with him so that I should be persuaded, and he entrusted that work to Maulana Shaukat Ali. It was he with whom I had to reason and argue, and that was the confidence reposed by Mahatmaji in Maulana Shaukat Ali. I am mentioning this to show what a tower of strength Maulana Shaukat Ali was to Mahatma Gandhi in the arduous work which he began in 1920. We know that even before that year my province was the place of shelter wherein the two brothers were interned, and in that connection also we

had to go and see them now and then. After that, another occasion which brought me in close contact with him was when we were discussing peace terms at Allahabad under the lead of Pandit Madan Mohan Malaviya, sometime when the Round Table Conference was going on. At that time, we were sitting together for a number of days; and though I might not have agreed with the suggestions which came from him or other persons, I found in him a genuine and burning desire for bringing about a permanent solution of the Hindu Muslim problem and permanent peace between the two communities. That sincere desire was discernible in everything that he was doing and in every suggestion that he was making. About that there was absolutely no doubt left in my mind. It is not necessary for me to dilate at length upon what he did. But one thing is certain. His name will be remembered in this country as one of those who have kindled an awakening and yearning for freedom even amongst those who were till then comparatively indifferent to the political struggle in the country. If there is now a real and genuine awakening in the Muhammadan community, much of the credit for that will have to be given to the efforts made by Maulana Muhammad Ali and Maulana Shaukat Ali. He was properly described as the Big Brother: he was big in every sense of the term. Not only was he endowed with a magnificent and majestic physical stature, but there was a bigness in his mind, and in the presence of that bigness I always looked as very small. On the first occasion when I had to meet him, he stood before me like a giant, and I looked a dwarf. Notwithstanding all the differences, however, whenever we used to meet in the lobby, he used to remind me of the first occasion when he met me and tried to convince me that I was in the wrong and he was in the right. That feeling of affection he carried all along with him about myself till the last day. In fact, the last time I saw him, he asked me of his own accord for the little thing that I always carry in my pocket of which so many of my friends show me a kind of regard by asking for: he did that; and that feeling of affection he always carried for us notwithstanding all the differences. That showed the real man. Our differences are superficial: we serve our country according to our lights. But that does not take away from the fact that he is my countryman and I am his countryman, and that both of us are striving for the same goal, and, therefore, there is a kind of unity, an one-ness amongst us: that is the real thing that a man has to see. He who sees that is a real son of this country. That son Maulana Shaukat Ali was, and I, therefore, pay my humble homage to his memory now that he has passed away, and I pray that his soul may rest in peace, and request you to convey on behalf of my Party also a message of condolence to those who are left behind to mourn his loss.

**Mr. A. Aikman** (Leader of the European Group): Sir, I wish to express on behalf of my Party our profound regret and sense of loss, not only to this House and to India, but to ourselves personally on the passing of Maulana Shaukat Ali. We were permitted to appreciate and to enjoy his great personal charm, his cordial geniality as well as his sincere open-mindedness. In him India has lost a son of great qualities, courage, sincerity of purpose and generosity of mind. We are readily able to understand how the members of his own community must regard his loss as an irreparable one. I would ask you, Sir, on behalf of myself and my colleagues to include us in the message of sympathy which you will send to his family.

**Mr. President** (The Honourable Sir Abdur Rahim): I associate myself with all that has been said by the Leaders of different Parties in the House as a tribute of respect to the memory of the late Maulana Shaukat Ali who was with us until only the other day and whom, I am sure, the Assembly will greatly miss. I had known the Maulana for a long time and, as has been said, he had a charming and arresting personality. At the same time, he was a great fighter for the cause he believed in. He was a dominant figure in the political world of the country, and his services in various directions will, I am sure, be long remembered. I shall convey, as desired, the warm sympathies and condolence of the House to his bereaved family. I may also announce that the funeral prayers will take place at 1-30 P.M. today at the Jumna Mosque, and the burial will take place in front of the Mosque about 15 minutes later.

I believe it is the general desire of the House that we should adjourn the business for the day.

**Several Honourable Members:** Yes, yes.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th November, 1938.