

1st April 1938

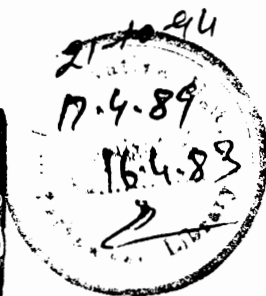
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III, 1938

(24th March to 12th April, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Friday, 1st April, 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.

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PROTECTION OF THE RIGHTS OF INDIANS IN MAURITIUS.

1184. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- (a) whether they have received replies to their representation to the Government of Mauritius, regarding the conditions of Indians in that country (starred question No. 188, dated the 9th February, 1938).
- (b) if so, what is the nature of the reply; and
- (c) whether they are in touch with the Indians of Mauritius in this matter?

Sir Girja Shankar Bajpai: (a) No.

(b) Does not arise.

(c) Government have received no representations from the Indian community in Mauritius in this matter.

Mr. T. S. Avinashilingam Chettiar: May I know whether there is any agency or association of Indians in Mauritius which is in touch with them over matters like this?

Sir Girja Shankar Bajpai: Sir, we have had representations from individuals in Mauritius from time to time, but I could not say off-hand whether there is any representative organisation of Indians in that island.

Mr. T. S. Avinashilingam Chettiar: May I know when they expect to get these replies?

Sir Girja Shankar Bajpai: As my Honourable friend will remember, there are two classes of questions involved,—one, which are covered by the Commission that has been appointed to inquire into the labour troubles of last year; I do not know when the report of that Commission will be received; then, there is another category of questions which became the subject of inquiry that we made some time ago—I think towards the end of February—and I hope to have the answer to that soon.

Seth Govind Das: Is it a fact that recently a representative of Mauritius came, and did he send in any representations to the Government of India in this matter?

Sir Girja Shankar Bajpai: No, Sir.

RECOGNITION OF INDIAN MEDICAL DEGREES BY ITALY.

1135. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

(a) whether the negotiations with the Government of Italy regarding the recognition of Indian medical degrees have concluded; and

(b) if so, what is the result of the negotiations?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply that I gave to his starred question No. 176 on the 9th February, 1938.

Mr. T. S. Avinashilingam Chettiar: That reply was that negotiations were still going on? Are they still going on?

Sir Girja Shankar Bajpai: They are, as far as I know, still proceeding.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that this matter has been engaging the attention of the Government for a prolonged period, in fact for some years, when do they expect to finish the negotiations on this question?

Sir Girja Shankar Bajpai: As my Honourable friend has been told more than once, we are not conducting these negotiations directly with the Government of Italy. The Government of Italy approached His Majesty's Government with regard to a new agreement to regulate reciprocity in the matter of the recognition of medical qualifications. We were consulted and we said that we did not want to base ourselves on the recognition of Indian degrees by the General Medical Council of Great Britain; we wanted to make recognition by the Indian Medical Council the basis of reciprocity, and on that basis negotiations were to take place. I assume that the more important question, *viz.*, the graver relations as it were between His Majesty's Government in the United Kingdom and the Government of Italy stand in the way of an early start with the negotiations on this point.

Mr. T. S. Avinashilingam Chettiar: May I know whether the recent Anglo-Italian talks that are going on in this matter are also been carried on on this matter?

Sir Girja Shankar Bajpai: I should not think so; that would be a purely departmental affair.

SECRETARIAT TRAINING IN UNIVERSITIES.

1136. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

(a) whether Government have received replies from all universities with regard to giving secretariat training;

- (b) which of them have agreed to give such training; and
- (c) when they are going to begin?

Sir Girja Shankar Bajpai: (a) No.

(b) and (c). The attention of the Honourable Member is invited to the replies given by me to his starred questions Nos. 953 and 177 on the 1st October, 1937, and 9th February, 1938, respectively. The only further information which has since been received by Government is that the Punjab University has decided to await the report of the Punjab Unemployment Committee before considering the matter further.

Mr. T. S. Avinashilingam Chettiar: Is it the position that until replies are received from all the Universities steps cannot be taken in this direction?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate the fact that it is not possible for the Government of India to take any steps in the matter. The matter is entirely one for Local Governments acting in conjunction with the Universities.

Mr. T. S. Avinashilingam Chettiar: Is it the position that the Universities are proposing to take any immediate action in this matter?

Sir Girja Shankar Bajpai: I submitted to the House last September, I think, a statement of the replies which had been received from the different Local Governments, other than those who have not replied yet and they number two. I submitted a summary of their replies and my Honourable friend can ascertain for himself from that summary what action had been taken.

Mr. T. S. Avinashilingam Chettiar: May I know whether any Universities will be in time for the next University secretariat course?

Sir Girja Shankar Bajpai: I am unable to supplement that summary.

Mr. K. Ahmed: The Honourable Member of course understands that there will be an extra sum of money required by the Universities, and this is the only Department of the Government of India which has got bigger funds for such a purpose. Does he appreciate the question from that point of view, namely, the application of this amount of money for a purpose such as Education, Health and nation building, instead of squandering money on other objects such as in the Military Department, etc.?

Sir Girja Shankar Bajpai: I think my Honourable friend appreciates the constitutional position just as well as I do.

MEMBERS OF THE LEAGUE OF NATIONS KEEPING FREE MARKETS.

1187. ***Mr. Govind V. Deshmukh:** Will the Honourable the Law Member please state:

- (a) which nations are at present members of the League of Nations;
- (b) whether the advantage of wider markets for the members of the League of Nations attaches to its membership; and

- (c) which of the members of the League of Nations are keeping free markets for (i) the members of the League and (ii) other countries?

The Honourable Sir Nripendra Sircar: (a) I would refer the Honourable Member to the document entitled "Members of the League and Composition of the Council", a copy of which is in the Library.

(b) No. The Honourable Member is, however, referred to paragraph 5 of Article 22 and clause (e) of Article 23 of the Covenant.

(c) The mutual trade and tariff policy of nations are regulated by considerations other than membership or non-membership of the League of Nations. Consequently, an answer to this question, which would involve a detailed examination of the import trade of some sixty nations, would have no bearing on what appears to be the Honourable Member's object in asking the question, namely, the economic advantages accruing from membership of the League of Nations.

Mr. Mohan Lal Saksena: May I know if the Honourable Member has satisfied himself that the publication referred to has been corrected up to date?

The Honourable Sir Nripendra Sircar: It is an annual publication. I have not satisfied myself, nor am I in a position to do so, whether during the course of the current year any changes have been made.

Mr. Mohan Lal Saksena: I should have been glad if the Honourable Member in reply to this question would have given the latest information as to which of the nations are at present members of the League of Nations, instead of making a reference to some publication?

The Honourable Sir Nripendra Sircar: I have given the latest information in our possession.

PROTECTION OF INDIAN TRADE IN ITALY.

1138. ***Mr. Govind V. Deshmukh:** Will the Commerce Secretary please state if the Government of India propose to make a representation to His Majesty's Government that, while negotiating for an Anglo-Italian agreement, proper consideration be shown for the protection of Indian traders and expansion of Indian trade with Italy? If not, why not?

Mr. H. Dow: It is presumed that the Honourable Member is referring to an Anglo-Italian *Commercial Agreement*. If so, the reply is in the negative. The existing Commercial Agreement of 1936 between the United Kingdom and Italy is not applicable to India, and any negotiations for its revision must obviously be limited to trade matters concerning Italy and the United Kingdom.

Mr. Govind V. Deshmukh: May I know if the Honourable Member is sure that directly or indirectly no interests of India are involved in this agreement?

Mr. H. Dow: Yes, Sir.

CONTROL OVER THE EXPORT OF COTTON FROM INDIA.

1189. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary please state whether Government have received any representation from the East India Cotton Association, asking them to institute a system of control over the export of cotton from India?

(b) Have Government considered the proposal to make provision for the export of cotton to take place *seriatim* in the order of the contracts and against the permit and the provision of exchange from Japan?

(c) Have Government enquired into the present position and, particularly, have they found that the Japanese buyers are making new contracts at lower prices and are taking delivery of these, and are delaying the taking of deliveries and making payment for earlier contracts at high prices?

(d) Have Government heard from His Majesty's Government, who were going to make a representation to the Government of Japan on this subject?

(e) If the reply to part (d) be in the negative, will Government state what further proposal they have in hand for securing relief and redress to Indian exporters of cotton to Japan?

Mr. H. Dow: (a) Yes, Sir.

(b) to (e). The Government of India are still in correspondence with His Majesty's Government on the subject.

Mr. Manu Subedar: Are Government aware that on account of the further fall in the price of cotton the position has become very much more acute during the last two weeks?

Mr. H. Dow: No, Sir, I was not aware. My information in fact is to the contrary.

Mr. Manu Subedar: What is the reply to part (e) of the question?

Mr. H. Dow: I have answered parts (b) to (e) together, *viz.*,

"The Government of India are still in correspondence with His Majesty's Government on the subject."

Mr. Manu Subedar: Will the Honourable Member be very much surprised if I read out an extract from a letter of the Chairman of the East Indian Cotton Association received by me today, *viz.*,

"with the drop in the prices of cotton which has set in lately, the danger if anything is increasing"?

Mr. H. Dow: I am not at all surprised.

Mr. T. S. Avinashilingam Chettiar: What did the Honourable Member mean by saying "no"—did he mean that the price had not gone down or that the position was not acute?

Mr. H. Dow: I was answering the question as it was put to me.

Mr. T. S. Avinashilingam Chettiar: The question was: "Is he aware that prices have gone down and the position is now more acute?", and the Honourable Member answered "no". Is the answer "no" in reply to both these questions?

Mr. H. Dow: To the best of my recollection, to that question I answered that my information was to the contrary.

Mr. T. S. Avinashilingam Chettiar: Is not the position more acute, and have not the prices gone down further?

(No answer.)

Mr. Manu Subedar: Has the Honourable Member got any information whether His Majesty's Government have actually taken up the matter with Japan? .

Mr. H. Dow: I am not prepared to disclose the nature of the communications between the Government of India and His Majesty's Government on the subject.

Seth Govind Das: Have the prices of cotton gone down recently or not?

Mr. H. Dow: I am quite aware that the price of cotton has gone down recently.

Seth Govind Das: And does not the Honourable Member think that on account of the prices going down the position has become very acute?

Mr. H. Dow: If every time the price of a commodity goes down in India, the position becomes acute, there must be a good deal of acuteness, I think.

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

TRADE AGREEMENTS BETWEEN FOREIGN COUNTRIES AND INDIA AND UNITED KINGDOM JOINTLY.

1140. ***Mr. Govind V. Deshmukh:** Will the Commerce Secretary please state:

- (a) the trade agreements in which both the United Kingdom and India are concerned as one party and another country as the other party; and
- (b) the names of such countries?

Mr. H. Dow: (a) and (b). The required information up to the year 1931 is available in the Handbook of Commercial Treaties, 1931, published by His Majesty's Government in the United Kingdom, which contains all British Commercial treaties, and generally indicates in a note appended to each treaty the position in regard to its applicability to India. For subsequent information I would refer the Honourable Member to the statements of Commercial Treaties affecting India which were laid on the table of the Council of State on the 24th March, 1932, the 27th March, 1933, the 12th

April, 1934, the 10th April, 1935, the 20th April, 1936 and the 6th April, 1937. Statement of Commercial Treaties affecting India subsequent to the last mentioned date will be laid on the table of the Council of State in due course.

A copy of the Handbook referred to is available in the Library of the House.

Mr. Govind V. Deshmukh: May I know the circumstances under which the United Kingdom and India appear as one party and another country as the other party?

Mr. H. Dow: I do not think I understand the question. But if the Honourable Member will look at the publication to which I have referred him, he will, I think, understand at once why it has been impossible for me to give any other kind of answer to his question without misleading the House.

Mr. Govind V. Deshmukh: I do not want to mislead the House, but I should like to have this information, namely, the circumstances under which the United Kingdom and India appear as one contracting partner in the trade agreements?

Mr. H. Dow: It is obvious that the circumstances vary in each case. The publication to which I have referred is a very big one, containing perhaps some 600 or 700 pages. There are a very large number of treaties, they deal with all imaginable subjects, and the extent to which they affect India varies from treaty to treaty.

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

NON-RECOGNITION OF THE EXPERIENCE OF AUDIT OF GOVERNMENT COMMERCIAL AND QUASI-COMMERCIAL UNDERTAKINGS FOR ENROLMENT AS REGISTERED ACCOUNTANTS.

1141. ***Pandit Sri Krishna Dutta Paliwal:** Will the Commerce Secretary be pleased to state the special reasons why the experience of audit of Government commercial and *quasi*-commercial undertakings is not recognised for the purposes of enrolment on the Register of Accountants maintained under the Auditors Certificate Rules?

Mr. H. Dow: The attention of the Honourable Member is invited to the reply given by the Honourable Sir Muhammad Zafrullah Khan to part (d) of starred question No. 442 by Rai Bahadur Seth Bhagchand Soni on the 23rd February, 1937.

AUDITORS' CERTIFICATE RULES.

1142. ***Pandit Sri Krishna Dutta Paliwal:** Will the Commerce Secretary please state if Government propose to consider the desirability of affording an opportunity of discussing the Auditors' Certificate Rules in this House?

Mr. H. Dow: No, Sir.

SYSTEM OF APPOINTING VILLAGE OFFICIALS IN THE DELHI PROVINCE.

1143. ***Mr. Ram Narayan Singh:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) the manner in which the village officials of Government in the Delhi Province are appointed;

- (b) whether the posts of *Lambardars* and other village officers in the Delhi Province are hereditary and, if so, how long this system has been in vogue; and
- (c) whether Government are aware of the fact that the people in the Delhi Province are against the system referred to in part (b) above and, if so, whether it is in the contemplation of Government to change this system of allowing hereditary rights to Government appointments in villages and, if so, from when, and if not, why not?

Sir Girja Shankar Bajpai: (a) By "village officials" the Honourable Member means presumably *patwaris*, *sailuars*, *lambardars* and watchmen. A statement giving the information required is laid on the table.

(b) The only hereditary appointments are those of *lambardar* made under the Punjab Land Revenue Rules. The hereditary right is limited in various ways. This system is of great antiquity and is the traditional system in the Punjab.

(c) The reply to the first part is in the negative; the second part therefore does not arise.

Statement.

Patwaris are appointed by the Deputy Commissioner in accordance with service rules which regulate age, qualifications, etc.

Zaildars are appointed under rules 4, 5 and 7 of the Punjab Land Revenue Rules. These rules do not apply to the *Shahdara ilaga* which was once part of the United Provinces, but a *Zaildar* has been appointed there and if a vacancy occurred the Punjab rules would in substance be followed.

Lambardars are appointed (i) in the Delhi Province excluding the *Shahdara ilaga* under rules 14, 15 and 17 of the Punjab Land Revenue Rules and (ii) in the *Shahdara ilaga* under rules made by the Chief Commissioner under the United Provinces Land Revenue Act 1901.

Watchmen are appointed by the Deputy Commissioner on the recommendation of the *lambardars* under rules made under the Punjab Laws Act 1872.

Mr. Badri Dutt Pande: Is it a fact that in the neighbouring province of the United Provinces, the *lambardars* are appointed by the show of hands by the adult residents of the people at a public meeting?

Sir Girja Shankar Bajpai: I could not now give the House a detailed account of the procedure followed in the United Provinces for the appointment of *lambardars*. I can tell the House that that portion of the Delhi province which belonged originally to the United Provinces—in that part of the province the United Provinces procedure is still in force.

Mr. Ram Narayan Singh: Is the Honourable Member aware that this system of allowing Government appointments to go by hereditary rights leads to corruption and high-handedness?

Sir Girja Shankar Bajpai: That seems to be a matter for argument and opinion.

Mr. Badri Dutt Pande: I think the posts of *chowkidars* also are hereditary in the Delhi Province.

Sir Girja Shankar Bajpai: No, they are not.

DIRECT TRADE AGREEMENTS NEGOTIATED AND RETALIATORY LEGISLATION AGAINST COUNTRIES DISCRIMINATING AGAINST INDIANS.

1143A. *Mr. Govind V. Deshmukh: Will the Commerce Secretary please state:

- (a) the countries with which India has negotiated trade agreements directly;
- (b) the subject matter of such trade agreements and the period when these expire;
- (c) if any of the countries referred to in part (a) have imposed any restrictions as regards franchise, acquisition of property, trade and residence on Indian nationals; and
- (d) if Government propose to introduce legislation against countries imposing restrictions on and discriminating against Indian nationals on lines mentioned in Chapter III of the Government of India Act, 1935, if not, why not?

Mr. H. Dow: (a) The United Kingdom and Colonial Empire, Japan and South Africa.

(b) Copies of the complete Agreements with the United Kingdom and Japan and a full summary of the Agreement with South Africa are in the Library of the House. The Agreement with the United Kingdom was terminable by either party on giving six months' notice. This period of notice has subsequently been reduced to three months. In the case of the other two countries the provision for termination is as originally agreed upon.

(c) Government are not aware of any such restrictions in the United Kingdom or Japan. Certain disabilities, however, exist in South Africa.

(d) The attention of the Honourable Member is invited to the answer given to his question No. 974 in this House on 24th March, 1938, and to the supplementaries arising out of it.

Mr. Govind V. Deshmukh: Does His Majesty's Government object to such legislation as has been suggested in part (d) of the question?

Mr. H. Dow: That is a matter which does not concern the Commerce Secretary, and I imagine that notice would be required by the Member in charge.

Seth Govind Das: The Honourable Member has said that there are certain disabilities over Indians in South Africa. What steps are Government taking to remove those disabilities?

Sir Girja Shankar Bajpai: With your permission, I might deal with that because that concerns my department. This is not the first occasion that the question has been raised; it has been raised over and over again in the past and I have tried to explain the position of the Government of India.

UNSTARRED QUESTIONS AND ANSWERS.

†127.

WATER METER RENTS FOR QUARTERS IN NEW DELHI.

128. **Mr. Satya Narayan Sinha:** Will the Secretary for Education, Health and Lands please state the rate of rent charged on water meters installed in orthodox and unorthodox quarters in New Delhi, and the reasons for any difference in rates?

Sir Girja Shankar Bajpai: Information has been called for and an answer will be furnished in due course.

DIFFERENCE IN RENTS OF UNORTHODOX B TYPE QUARTERS IN NEW DELHI AND INCONVENIENCES AS REGARDS PURDAH.

129. **Mr. Satya Narayan Sinha:** Will the Secretary for Labour please state:

- (a) the rent of an unorthodox B type quarter on Irwin Road and elsewhere, respectively, in New Delhi and the reason for any difference in rent; and
- (b) whether he is aware that ladies observing *purdah*, specially Muslims, are put to inconvenience by having a joint compound and entrance of an unorthodox B type quarter on Irwin Road, New Delhi; if so, whether he is prepared to take steps to remove this inconvenience; if not, why not?

Mr. N. Mahadeva Ayyar: (a) The standard rent of unorthodox 'B' type quarters on Irwin Road and elsewhere is Rs. 41-8-0 per mensem subject to a maximum of ten per cent. of the tenant's emoluments. The second part of the question does not arise.

(b) Government are not aware of any such inconvenience and there have been no complaints on this score from the tenants concerned in recent years. The remaining parts of the question do not arise.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 605, asked by Mr. Sri Prakasa on the 20th September, 1937.

UPKEEP OF THE CREMATION GROUND IN DELHI.

(a) Government are aware that the cremation ground at the Nigambodh Gate is susceptible of improvement. Considerable improvements were in fact effected in 1936-37 at a cost of Rs. 30,000 donated by Seth Ram Lal Khemka. A *pucca* ghat to enable mourners to bathe has recently been constructed.

(b) The matter is one for the Hindu community rather than for Government.

(c) The cremation ground is supervised by a Managing Committee consisting of certain Hindu Members of the Delhi Municipal Committee, and a few others. This Committee is responsible for the maintenance of the ground.

(d) There are Municipal bye-laws which require the registration of deaths, and no separate record is kept at the cremation ground.

(e) The matter is really one for the Hindu community of Delhi, but it is understood that the necessary articles are obtainable at the cremation ground.

†This question, which was on the Order Paper for the 29th March, 1938, has lapsed, the meeting fixed for that date having been cancelled.

Information promised in reply to unstarred question No. 25, asked by Mr. Manu Subedar on the 15th February, 1938.

EXPENDITURE ON CENTRAL COMMITTEES OR BOARDS.

Statement showing particulars regarding Committees or Mixed Boards of Officials and Non-Officials appointed by the Central Government and the Expenditure incurred on each during the financial year 1936-37.

Committee or mixed board of officials and non-officials.	Expenditure incurred during 1936-37.	Remarks.
	Rs.	
Indian Lac Cess Committee	2,84,900	No expenditure is incurred from Central Revenues. It is met from the proceeds of the Indian Lac Cess Committee.
Board of Agriculture and Animal Husbandry in India.		
Railway Rates Advisory Committee	78,300	
The Railway Police Expenditure Committee.		Constituted in November 1937.
Standing Committee on Emigration		
Indian Historical Records Commission		
Standing Committee on Pilgrimage to the Hejaz.		
Indian Central Jute Committee	15,400	The expenditure was defrayed out of the grant made to the Committee from the Central Revenues.
Indian Central Cotton Committee	10,51,100	The expenditure is met out of cotton cess collections.
Central Advisory Board of Education	16,500	
Inter-Provincial Board for Anglo-Indian and European Education.	14,400	This expenditure was met from contributions from Central and Provincial revenues in proportion to the number of students from central areas and provinces.
Board of Forestry		
Central Advisory Board of Health	..	
Recruitment and Appointments Board for the All-India Institute of Hygiene and Public Health, Calcutta, and the Medical Research Department.	4,400	
Tariff Board-	78,300	

Statement showing particulars regarding Committees or Mixed Boards of Officials and Non-Officials appointed by the Central Government and the Expenditure incurred on each during the financial year 1936-37—contd.

Committee or mixed board of officials and non-officials.	Expenditure incurred during 1936-37.	Remarks.
	Rs.	
Central Advisory Committee for Light-houses.	1,100	
Advisory Pilot Committee for the Bengal Pilot Service.		
Indian Accountancy Board	46,400	The total receipts during the year were Rs. 49,100.
The Industrial Research Council	3,700	
The Imperial Sericultural Committee	300	
The Woollen Industrial Committee	400	
Central Boilers Board		
Central Electricity Board		
Indian Soft Coke Cess Committee	1,09,800	The expenditure is met from fees and cess.
Indian Coal Grading Board	71,700	The expenditure is met from fees and cess.
Standing Advisory Committee of the Indian Legislature.		
Advisory Council composed of officials and non-officials to assist the Controller of Broadcasting in the working of the Delhi station.		
Standing Committee for Roads	500	
Standing Advisory Committee of the Indian Legislature for the Indian Posts and Telegraphs Department.		

Information promised in reply to starred question No. 355, asked by Mr. C. N. Muthuranga Mudaliar on the 17th February, 1938.

VEGETABLE SHOPS IN GOL MARKET AND OTHER AREAS IN NEW DELHI.

(a) Yes. Five shops are considered sufficient for the needs of the locality.

(b) No.

(c) The place to which the Honourable Member refers is not a Municipal market, but a private market started by the tenant of a lessee of certain Government land. The Delhi Improvement Trust have a scheme for the improvement of the entire Paharganj area; in the meantime the attention of the Delhi Municipal Committee has been drawn to the illicit use of the pavements by the vegetable sellers. Government understand that the vegetables sold are not rotten and unfit for human consumption.

(d) No. The fish stalls in the market are kept in a sanitary condition, and there is no risk of contamination.

(e) Government do not think that another market is needed. The New Delhi Municipal Committee have already constructed eight vegetable shops at various places in New Delhi and a ninth is under construction. Of the original eight only two are occupied as vegetable shops; the others had to be converted to other purposes, as no vegetable sellers came forward to take them.

Information promised in reply to unstarred question No. 43, asked by Khan Sahib Nawab Siddique Ali Khan on the 25th February, 1938.

ACQUISITION OF LAND AND PROPERTY IN CONNECTION WITH THE OLD DELHI CITY IMPROVEMENT.

The answer to the first part of the question is in the affirmative. As the Honourable Member is aware the Act may, in certain circumstances, be used to acquire land for companies. As regards the Delhi Improvement Trust, it is, broadly speaking, empowered to acquire land, with the previous sanction of the Chief Commissioner, for schemes of improvement which are designed primarily in the public interest. Government have no reason to believe that these powers have been or are likely to be misused.

Information promised in reply to starred question No. 687, asked by Mr. Lalchand Navalrai on the 7th March, 1938.

DENIAL OF OPTION TO REFUSE ELECTRIC AND WATER SUPPLIES FROM THE NEW DELHI MUNICIPAL COMMITTEE.

The answer to the first part of the question is in the negative. The second part of the question, therefore, does not arise.

Information promised in reply to unstarred question No. 60, asked by Raizada Hans Raj on the 7th March, 1938.

ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

Particulars regarding the Work-charged establishment (excluding Inferior Servants) employed in the Central Public Works Department in connection with the Maintenance of Electrical Installation in Government Buildings.

Name.	Pay on appointment.	Present pay.	Name.	Pay on appointment.	Present pay.
	Rs.	Rs.		Rs.	Rs.
<i>Appointed in 1911.</i>			<i>Appointed in 1914.</i>		
Mela Ram	Not known	31	Thakar Singh	87	57
Sunder Singh	55	57	<i>Appointed in 1916.</i>		
<i>Appointed in 1913.</i>			Gaya Ram	45	61
Inder Singh	35	62	Ranjeta	22	41
Hazara Singh	35	57	Tulsi Ram	Not known	52
Mela Singh	59	64	Budha	40	42
Boota Singh	55	57	<i>Appointed in 1917.</i>		
Mehar Singh	35	58	Ashaq Ali	19	26
Shiv Pertan	25	56	Ghulam Rusul	Not known	46

Name.	Pay on appointment.	Present pay.	Name.	Pay on appointment.	Present pay.
	Rs.	Rs.		Rs.	Rs.
<i>Appointed in 1918.</i>			<i>Appointed in 1923.</i>		
Kehar Singh .	89	64	Rashid Ahmad . . .	30	53
Mata Saran .	18	41	Ashfaq Ali .	15	26
Fazal Din .	Not known.	31	Arjun Singh .	35	58
			Gurbax Singh .	60	57
<i>Appointed in 1919.</i>			Janki Das . . .	60	57
Mohd. Shaffi .	50	66	Jamshed . . .	25	38
Rulia Ram . .	Not known.	71	<i>Appointed in 1924.</i>		
<i>Appointed in 1920.</i>			Ghulam Haider . .	40	58
Nanwa .	40	42	Fateh Singh .	55	57
Salig Ram .	30	62	Chhedi Lal .	42	43
Ishri	55	58	Rurh Singh .	55	47
<i>Appointed in 1921.</i>			Umrao Singh .	46	50
Balwant . .	20	27	Shiv Sahai . . .	17	30
Atal Behari Lal .	48	55	Karam Singh . .	40	47
Mela Singh .	54	57	<i>Appointed in 1925.</i>		
Chat Singh .	50	57	Bhagat Singh .	20	27
Banwari Sahai .	Not known.	62	Maya Ram .	45	62
<i>Appointed in 1922.</i>			Pran Nath .	30	33
Mohar Singh .	20	27	Ami Chand .	19	21
Tara Singh .	60	64	Gonda Ram .	Not known.	60
Ashrat Ali . . .	20	26	Amar Chand . . .	Not known.	55
Tulsi Ram .	25	41	<i>Appointed in 1926.</i>		
Santa Singh .	50	57	Multan Singh . .	35	58
Mehar Singh . .	55	57	Abdul Ghaffar Khan .	40	45
Sunder Singh I .	43	48	Abdul Hamid . .	45	47
Khayali Ram .	35	34	Narain Singh .	50	57
Bhagat Singh .	55	57	Mangal Singh . .	55	57
Bachi	16	26	Hari Singh . . .	40	43
Hiroo Ram . . .	Not known.	34	Ali Sher	Not known.	32

Name.	Pay on appointment.	Present pay.	Name.	Pay on appointment.	Present pay.
	Rs.	Rs.		Rs.	Rs.
<i>Appointed in 1927.</i>			<i>Appointed in 1930.</i>		
Jai Singh	20	27	Chainta	20	27
Sadhu Singh	35	46	Mohd. Hussain	16	26
Abdul Hakim	15	23	Ram Lal	15	23
Phera Mal	39	57	Ganda Singh	55	57
Chadami Lal	50	57	Allah Ditta	17	26
Inder Singh I	50	57	S. Mazhar Hussain	51	55
Inder Singh II	50	57	Chet Ram	50	62
Ishara	45	42	Safir Ahmad	55	57
Gobinda	25	26	Mohd. Yunas	30	35
Sohan Singh	45	47	Chiranji Lal	45	48
Chuni Lal	45	60	M. Sinha	69	90
<i>Appointed in 1928.</i>			Shamsher Hussain	45	45
Ashgar Ali	22	26	Ganga Bishan	45	48
Amar Chand	55	57	Daulat Ali	25	30
Mohammad Yasin	17	17/8	Kartar Chand	Not known.	58-8-0
Teja Singh	55	57	<i>Appointed in 1931.</i>		
Mahna Singh	55	57	Afzal Hussain	50	58
Mangal Sain	40	42	Ram Lal	45	52
Lachhman Singh	55	57	Lakham Singh	45	48
<i>Appointed in 1929.</i>			<i>Appointed in 1932.</i>		
Munshi Ram	20	27	Raja Singh	40	48
Kahar Singh	20	27	Roor Singh	14	26
Budha	17	26	Din Dyal	17	24
Abdul Aziz	15	20	Mohd. Saddiq	16	21
Surain Singh	55	57	Hem Raj	40	43
Sahib Singh	51	57	Chiranji Lal	30	33
Jawand Singh	60	48	Kishan Singh	55	57
Mohan	22	35 and 40	S. Surain Singh	100	100
Sunder Singh	54	45	Hari Singh	55	55
Pearey Lal	25	42	Sohan Lal	60	62
			Uttam Singh	45	52
			Shamsher Singh	30	31

Name.	Pay on appointment.	Present pay.	Name.	Pay on appointment.	Present pay.
	Rs.	Rs.		Rs.	Rs.
<i>Appointed in 1933.</i>			Daulat Ram .	30	31
Alauddin .	20	26	Balwant Singh .	40	43
Rafiq .	25	26	Inder Singh .	40	42
Sardari Lal .	17	32	Faiz Ali Khan .	40	42
Roor Singh .	45	46	Pritam Singh .	30	32
<i>Appointed in 1934.</i>			Mohd. Din .	15	20
Ryasuddin .	50	52	Amolak Ram .	15	25
Ganga Pershad .	25	26	Sardari Lal .	30	38
Banwari Lal .	25	26	Wali Mohd. .	17	26
Bankey Behari Lal .	40	46	Shaq Mohd. .	40	41
Menhga Singh .	55	55	E. Bellow .	17	32
Asea Singh .	45	49	<i>Appointed in 1936.</i>		
Gurbax Singh .	45	50	P. Banerjee .	25	26
Mangal Ram .	40	42	Mohd. Sultan .	30	32
Shabbir Khan .	40	40	Mehr Singh .	40	42
Ashiq Ali .	35	39	Gian Singh .	40	40
Kishori Lal .	40	44	W. W. Brown .	33	33
Kundan Lal .	17	30	Bhakhtawar Lal .	40	41
Shams-Islam .	15	25	Harnam Singh .	40	41
Akhtar Ahmad .	30	32	W. A. Pigott .	30	31
Hardeva .	25	26	Achhar Singh .	40	47
Mohd. Shakoor .	25	26	Lock Singh .	40	42
Mohd. Hussain .	30	31	Bhattacharji .	55	55
Garib Das .	55	55	Mubarak Ali .	24	30
Uttav Singh .	17	25	Ogn Dutt Sharma .	46	47
<i>Appointed in 1935.</i>			Samera .	25	25
Abdul Rahman I .	41	41	Raghbans Lal .	30	31
Abdul Rahman II .	30	32	Gopal .	20	21
Sunder Singh II .	40	41	Mohd. Ilyas Khan .	20	21
Amir Nath .	40	40	Mohd. Nazir .	20	21

Name.	Pay on appointment.	Present pay.	Name.	Pay on appointment.	Present pay.
	Rs.	Rs.		Rs.	Rs.
<i>Appointed in 1936—contd.</i>			<i>Appointed in 1937—contd.</i>		
Ram Singh . . .	55	55	Fazal-ur-Rahman . . .	35	35
Raghubans Lal . . .	30	31	Hans Raj . . .	40	40
Ahmad Ali Khan . . .	20	21	Ram Rakh Mal . . .	40	40
Badshat Gul . . .	20	21	Gurmaj Singh . . .	30	30
Fakir Ali Shah . . .	20	21	Jai Lal . . .	20	20
Budha . . .	20	21	Santa Singh . . .	14	20
Durga Pershad . . .	20	20	Munna . . .	30	30
Ayub Ahmad . . .	20	21	Rura Ram . . .	30	20
Munshi Ram . . .	20	25	Devi Ram . . .	25	30
Shokat Mirza . . .	40	40	Dedar Bux . . .	20	22
Munna Lal . . .	40	40	Abdul Ghani . . .	20	22
Bhawani Singh . . .	30	30	Gori Chand . . .	20	25
Fakir Singh . . .	15	20	Sewa Singh . . .	70	70
<i>Appointed in 1937.</i>			Durjan Lal . . .	35	35
Kishan Singh . . .	90	90	Harnam Singh . . .	1-12-0 per day.	1-12-0 per day.
Mathu Ram . . .	25	25	Mahabir Das . . .	1-8-0 per day.	1-8-0 per day.
Partap Singh . . .	30	30	<i>Year of appointment not known.</i>		
Ali Hussain . . .	30	30	Gurmukh Singh . . .	45	48
Bhagwan Singh . . .	35	35	Badri Pershad . . .	Re. 1 per day.	40
T. Douglas . . .	35	35			

Information promised in reply to starred question No. 787, asked by Mr. H. M. Abdullah on the 17th March, 1938.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

(b) An additional half square to their existing *lambardari* grants.

(c) Yes. In some cases one square and in others, half a square.

(d) Yes.

Information promised in reply to starred question No. 898, asked by Mr. N. V. Gadgil on the 22nd March, 1938.

FAILURE OF THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT BOARD TO COMPLY WITH A REQUISITION FOR A SPECIAL MEETING OF THE BOARD.

(a) Yes.

(b) The Executive Officer wrote to the Vice-President who was one of the signatories of the requisition asking him to see the President. The meeting was not then called, as the Vice-President, as a result of personal discussion with the President, agreed that no special meeting was necessary.

(c) The answer to the first part of the question is in the affirmative, and to the second part in the negative. In this case the Executive Officer did not determine the urgency, or otherwise, of the matter.

(d) Does not arise.

RESOLUTION RE ESTABLISHMENT OF A UNIVERSITY AT PESHAWAR.

Mr. President (The Honourable Sir Abdur Rahim): The House will resume further consideration of the following Resolution moved by Mr. Abdul Qaiyum on the 15th February, 1938:

"That this Assembly recommends to the Governor General in Council that a University subsidized by the Federal Government be at once set up at Peshawar for the Settled Districts and the Tribal Areas of the North-West Frontier Province."

Mr. Lalchand Navai (Sind: Non-Muhammadan Rural): The Resolution before the House is that the Assembly recommends to the Governor General in Council that a University subsidised by the Federal Government be set up at Peshawar for the Settled Districts and the Tribal Areas of the North-West Frontier Province. I have full sympathy with this Resolution. My reason is that we in Sind are sailing in the same boat as the North-West Frontier Province. When Sind and the North-West Frontier Province were set up they were set up with a subsidy from the Central Government, and when the Central Government has adopted those provinces, there is no reason why they should be left in the lurch at this time. The object should be to put all the provinces on the same basis and if some provinces are not able from their own resources to complete their requirements, I think it is the duty of the Central Government to help them.

Now, Sir, it is well known that educationally the North-West Frontier Province is backward and I may also submit that help to raise the standard of education in Sind is also very necessary. So far as the primary and secondary education is concerned, the Provincial Governments in these two provinces have been struggling with the problem, but it is necessary that side by side there should be established universities for the purpose of good management of education and also for helping the higher education. It cannot be said that higher education should be neglected and it is so very evident that Sind and the North-West Frontier Province cannot afford at present to have their own universities. Therefore, if the Government has to encourage education, it is necessary that the Central Government should come to the help of these provinces. I have seen in small areas of England so many universities. I found a number of universities in Oxford and Cambridge. We do not at present say that there should be more universities, but we do say that at places where there are no universities it is necessary that we should have universities

there to make them self-contained. The request contained in this Resolution is a necessary one and it deserves the support and good feelings from the Government side. It is clear that if the Central Government is not coming forward to help these two provinces, they will remain educationally as backward as they are at present, and that is not the policy with which these two provinces have been established. My submission, therefore, in support of this Resolution is that such provinces as are not able to carry on the universities themselves should be helped from the Federal revenues. It can be seen fully well that in Sind we used to take advantage of the University of Bombay but now that we are separated we are being given a step-motherly treatment by that university.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): On a point of order, Sir. We are considering the subject of a university for the North-West Frontier Province and the Honourable Member has referred to a university in Sind twice and now he is talking about the education in Sind with regard to the Bombay University.

Mr. President (The Honourable Sir Abdur Rahim): Ali that the Honourable Member is trying to do now is that he is supporting this Resolution and at the same time he is pleading for his own province.

Mr. Lalchand Navalrai: I wonder that there should be an obstruction when I want sympathies from the Members of this House. Anyway, I do not grudge even Assam and Orissa their universities, and if one were to support this Resolution by giving examples where such a help should be given, I do not think my Honourable friend should grudge it. I submit, therefore, that this Resolution does not require any lengthy arguments in support of it. The point is plain. The North-West Frontier Province has been set up by the Central Government and when the Provincial Government say that they cannot put up their own university, it will be the bounden duty of the Federal Government to help them. I trust that this Resolution, which only gives effect to the wishes of the people of the North-West Frontier Province, will be well looked at and given full support.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I think it is more than six weeks since this Resolution was last discussed in the House. And, though time may not have obliterated the effect of my Honourable friend, Mr. Abdul Qaiyum's powerful advocacy, it is possible that it has dimmed the recollection of the arguments which he used in support of his proposition. It seems, therefore, only fair to the House that I should state briefly the reasons which he put forward in support of his proposition and then state the attitude of Government. The Resolution, as my Honourable friend, Mr. Lalchand Navalrai, has just reminded the House, requires the Government of India to subsidise the Government of the North-West Frontier Province in order to establish at once at Peshawar for the Settled Districts and the Tribal Areas of the North-West Frontier Province a university. Mr. Abdul Qaiyum said that he wants this university to be established for two reasons. First, that it will serve as an instrument of pacification for all the tribal areas and, secondly, that it will serve as a home for

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fcstering the linguistic and cultural traditions of the North-West Frontier Province. He asked the Government of India to come to the assistance of the North-West Frontier Province, again for two reasons, the first reason being that the Government of India are responsible for the tribal areas, and the second reason being that the subvention of a crore of rupees, which they make to the Government of the North-West Frontier Province now, is really a payment for services already received by the Government of India from the province in respect of tribal areas and, therefore, inadequate, for a fresh activity such as the creation and running of a university. Sir Ziauddin Ahmad, on that occasion, invoked the authority of the Sadler Commission and said that the Government of India should implement the recommendations of that Commission which they themselves appointed and multiply throughout the length and breadth of the land Universities of the residential and unitary teaching type.

Now, Sir, I think it is only right that the House should get a clear appreciation of what is the issue that it is called upon to pronounce. It is not a question of the type of the university to be established in the North-West Frontier Province or, for that matter, the establishment, for the needs of the North-West Frontier Province, of a university. Both these questions are matters for the Government of the North-West Frontier Province, and it would be impertinent of the Government of India or, for that matter, of this House to say to the Government of the North-West Frontier Province that they shall establish a university of such and such a type. Then, my Honourable friend, Mr. Abdul Qaiyum, when he was making his speech, quoted from Mr. Holdsworth, who is Principal of the Islamia College at Peshawar, a statement to the effect that education and more education will serve as a solvent of the psychological problem which is at the root of a good many of the other problems in the tribal areas. But that, again, is not the issue upon which the House is asked to pronounce, namely, what may be called a forward educational policy in the tribal areas. What we are being asked to agree to is a subvention from the Central Revenues for the establishment of a university in the North-West Frontier Province and, therefore, the narrow issues are: First, whether the establishment of such a university is necessary in the interests of the tribal areas for which the Government of India are responsible, and, if that question is answered in the negative, then whether the Government of India would be justified in making a subvention to the North-West Frontier Province for the establishment of a university for its own requirements. Now, let me take the first point, namely, the need of the tribal areas. My Honourable friend, the Secretary for External Affairs, explained the other day the difficulty of a forward educational policy in the tribal areas. I need not traverse that ground again. The immediate point for consideration is what exactly is the state of secondary education in the tribal areas. Now, Sir, there are only ten schools in the tribal areas of the secondary grade and of those ten schools, only two are high schools. I submit, Sir, that that is a very slender basis indeed on which to ask for the creation of the imposing and somewhat expensive superstructure of a university. Take the other consideration. My Honourable friend, Mr. Abdul Qaiyum, made a great point of the fact that there are numbers of students from the tribal areas receiving education at the Islamia College, Peshawar. I have taken the trouble to find out what the numbers are; they are 35 out of a total of 495.

Mr. Abdul Qaiyum (North-West Frontier Province: General): On a point of personal explanation. The schools in the settled districts in the Frontier are full of trans-border students for whom you do not pay a pie. Take the Kohat Islamia School. There about 400 students of the tribal areas are being educated.

Sir Girja Shankar Bajpai: The Honourable Member cannot have it both ways. He cannot say that the subvention of a crore of rupees is payment for services already rendered and yet proceed to say that in calculating the cost to the Province of educating these students we shall leave this grant from Central Revenues out of account. The point I was making was that even if you take the number of students who are already in the Islamia College at Peshawar, it is a very very small fraction of the total number who receive education there, and that on that basis also, it cannot be argued that there is any need, at any rate, for the immediate establishment of a university towards which the Government of India should make a grant by reason of the responsibility that they have for the tribal areas.

Then, I go on to the second argument of my Honourable friend, namely, that there is a great cultural urge in the North-West Frontier Province, which should receive a stimulus from the Centre by means of a special grant-in-aid. I do not quarrel with my Honourable friend's desire to stimulate that particular or special cultural urge in the North-West Frontier Province. But I want the House to realise that that is not a peculiar or unique case. My Honourable friend Mr. Lalchand Nava'rai's intervention must have reminded the House of the fact that there are other provinces: there is Orissa, there is Sind and there is Assam, and if you are going to make a grant to the North-West Frontier Province for the establishment of a separate university, because of the cultural claims of that province, could you in logic or equity differentiate against these three other provinces. In fact the persistent frequency with which my Honourable friend, Mr. Kuladhar Chaliha, or my Honourable friend, Mr. B. Das, press the claims of their respective provinces upon the Government of India should be a warning to every one here that our acceding to this Resolution on the particular ground which I am discussing now would be the signal for a persistent and prolonged onslaught on the Government of India until the claims of those other provinces for subventions for the creation of universities have been met.

Now, Sir, it must have been appreciation of the difficulties of this character which led the framers of the present Constitution to draw a clear distinction between the Centre and the Provinces as regards both their administrative and their financial responsibilities. The point which I want to bring to the notice of the House is this, that when Sir Otto Niemeyer was considering the claims of different provinces with respect to the sum total of revenue that might be available for distribution to the Provinces, he had before him the proposal of the North-West Frontier Province for the establishment of a university at Peshawar. In other words the need of the province for such an institution was taken into account by Sir Otto Niemeyer before he made his decision as regards the allocation of revenues between the Centre and the Provinces. I submit, Sir, that considering the fact that that point has already been taken into account by Sir Otto Niemeyer in his award, considering further the fact that the Province is not only in receipt of a large subvention of one crore of rupees every year, has been relieved of the debt charges to the extent

[Sir Girja Shankar Bajpai.]

of 12 lakhs per annum, in addition to what they are getting by way of their own percentage of any surplus that might fall to be divided between the provinces in pursuance of the Niemeyer award, considering these factors and also the certainty that any expenditure in the case of the North-West Frontier Province would involve expenditure in case of other provinces also, considering all that, the Government of India cannot in equity accede to the request which my Honourable friend has put forward.

So far, Sir, I have dealt with what might be called the purely educational argument for the tribal areas and the constitutional argument for the Province generally. But I think it is also right that the House should appreciate what the present trend of educational opinion is. More than once it has been stated in the House what the country needs—not merely Government but Educational Conferences and Advisory Boards and all the rest of them have pleaded that efforts should be concentrated upon the reconstruction of education in the primary and secondary stages rather than upon the construction or the establishment of new universities. I think I am right in saying that not very long ago, no bureaucrat but a Member of the Ministry in Madras stated that in future universities will have to look to private munificence for support and that Government aid would be confined to secondary and primary education. The point that I want to make is that if the Government of India had any money to give to the Provinces for educational advancement, it could much more properly be given for primary and secondary education than for the establishment of a university whether at Peshawar or anywhere else.

My Honourable friend will probably think that mine has been a somewhat unsympathetic attitude. I wish to disabuse him of that. We are not unsympathetic either to higher education or to the idea of the creation of universities. After all, most Honourable Members of the House will remember that not very far from Peshawar in Taxila in the ancient days there used to be a university which was the glory of India. If my Honourable friend, therefore, wants to revive that glory in Peshawar, that is an ambition which is neither unintelligible

Mr. Abdul Qaiyum: On this very site, *viz.*, close to and within the limits of the Peshawar Islamia College, the ruins of a Buddhist university have been dug up

Sir Girja Shankar Bajpai: It does not really affect my main argument, namely, that the province should seek to revive such an institution is a very laudable ambition with which we cannot quarrel. All that I am concerned to point out is that in this very imperfect world of ours, the resources being strictly limited and quite unequal to the demands that are made upon them from time to time, the narrower and the less urgent demands have to make room for the broader and more pressing requirements. We have to provide for more urgent needs and that is the main reason why we find ourselves unable to accept the Resolution which my Honourable friend has moved.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): I strongly support the Resolution which has been so ably moved by my Honourable friend, Mr. Abdul Qaiyum, on the question of the establishment of a university in Peshawar. The Government Bench, Sir,

has failed to meet the arguments advanced by my Honourable friend. The only argument which was advanced by my Honourable friend, the Education Secretary, is to the effect that if the North-West Frontier Province is to be given a subvention, the other provinces also would desire similar treatment. Neither Mr. Abdul Qaiyum nor any one who supports him will grudge a similar subvention to other provinces, but in the case of the North-West Frontier it should be remembered that a subvention was sanctioned first, and it was then that subvention came to be sanctioned for Sind and Orissa. Similarly a subvention need not be sanctioned simultaneously to all provinces, they may be given one after the other. The importance of the North-West Frontier cannot be gainsaid by anybody. You know, Sir, the Pathans were known or were notorious at one time for their fanaticism. (Question.) At one time they were passing for fanatics but now those days have rolled by. The reason for this is this: so far as my humble opinion is concerned, after the establishment of colleges there, the younger generation began to receive liberal education, and that fanaticism has now been converted into patriotism. So you see so many youngsters there who are patriots, who are prepared to give their lives for the sake of their country. Much more so will be the case if a university is set up there, and that is our case. It is a truism that those that are very healthy physically, are healthy mentally as well. If the North-West Frontier youngsters should be given sound and liberal education, they would prove themselves very good citizens more than youngsters in any other part of India. That is why the North-West Frontier Province should be preferred to any other province. By so saying I do not decry the importance of other provinces. I have already observed that other provinces also may follow suit. There is no reason why this momentous question of setting up a university in Peshawar should be put off for the sake of other questions. Sir, it should also be borne in mind that primary and secondary education should go hand in hand with higher education. If we should follow the logic of our Honourable friend, the Education Secretary, we shall have to do away with many of the universities throughout India whereby we shall be saving a large sum of money. We cannot for a moment follow that logic so far as this question is concerned. Therefore we, particularly those who know the importance of the North-West Frontier, should come forward to support this Resolution wholeheartedly, so that we may carry the day even against the Government opposition. With these few remarks, I resume my seat.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): Sir, my friend, Mr. Abdul Qaiyum, wants one University at Peshawar, and, I am so keen for it and think it so good that I should like not only one University at Peshawar, but five Universities in the North-West Frontier, one in each district. But there are two schools of thought in the North-West Frontier Province—one, who think that for the villagers and for the Mussalmans, primary, agricultural and industrial education is wanted more than the higher education and the other school is far the higher or highest education. I belong to that school in the North-West Frontier Province, who think that illiteracy and poverty are the two chief enemies of the Muslim community generally in that province and for every other community universally and must be removed quickly and as largely as is possible. In the interests of the Muslim population, of the villagers, of the agriculturists, we want to remove illiteracy and unemployment

[Major Nawab Sir Ahmad Nawaz Khan.]

first. The case is just like that of a man who is very thirsty and hungry. He wants food and not gold, though gold is more valuable. We have to see now which is more needed for them. I would join hands with Mr. Abdul Qaiyum and others to take more and more money from the Government of India for our educational and other wants.

Mr. Abdul Qaiyum: I do not want more money from the Government of India, but I differ as to how the money should be spent.

• **Major Nawab Sir Ahmad Nawaz Khan:** If Mr. Abdul Qaiyum would ask that more money should be taken from the Government of India for primary and industrial education, I and the whole province would join him. As regards the University, Sir Bajpai has explained that it has two aspects—I am not going to repeat—I am not going to speak for the tribal areas, but in regard to our province, when my friend, Mr. Abdul Qaiyum, goes back, if he would very kindly ask his own Ministers and if they would agree with him that the money which is required must be only for the University and not for primary and industrial education

An Honourable Member: Whom are you speaking for?

Major Nawab Sir Ahmad Nawaz Khan: I am speaking for my country and for my people.

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muhamadan): And for Government also.

Mr. Abdul Qaiyum: You are not speaking for the Frontier Government which sent you here.

Major Nawab Sir Ahmad Nawaz Khan: This question is not to be decided here. There are the masses of people whose interests are to be represented, and I am representing their interests, but this is a question of need and not of representation at all. It is admittedly a fact that in Dera Ismail Khan, Kohat, Bannu, and wherever you go, that more primary and industrial education is wanted. With these words, I oppose this Resolution or I support it in another way.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I was rather surprised by the speech of the last Honourable Member. He said he was speaking on behalf of the people of the North-West Frontier, but I thought he was really speaking against the interests of these people.

Major Nawab Sir Ahmad Nawaz Khan: By way of personal explanation

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is expressing his own opinion.

Sir Muhammad Yamin Khan: This small province has made a great advance in spite of the circumstances in which it was placed, and it is going forward, and this advance requires some kind of help. Undoubtedly there is a great need for technical education, and we whole-heartedly

support this, but that does not mean that higher education need not be given to these people. They are working at present under a great deal of handicap because they are led in their education by the ideas which really govern the Punjabis: the Lahore University may be very good but it is not suitable for the circumstances of the Frontier. It is the University education which moulds the character of the people nowadays and what we require for this gallant province is that they should be educated properly according to their own ideas. We find that universities in India are turning out a lot of graduates who are practically useless and they are knocking at the door of every Honourable Member in this House; and if the same kind of education is given to the people of the North-West Frontier, they will also be producing a lot of clerks who will want some kind of employment and who will not be fit for anything and be entirely unsuited to that province. Small though the population is, I think that the kind of higher education for the North-West Frontier is required which will be suitable for that province only. I find that in Aligarh there are hundreds of boys coming to be educated from the North-West Frontier, from Peshawar and other districts. But these are people who can afford to go to Aligarh—there are many more boys, as the Honourable Member from the North-West Frontier has just said, there is a great deal of poverty and every man cannot afford to send his boys to be educated at Aligarh. You can send about a hundred boys at the most, but what about the rest? The Honourable Member does not want that higher education may be given to the boys living in his own province when every facility ought to be given and he ought to have advocated their cause and championed the interests of the poorer people who cannot send their boys to Aligarh. Instead of that he says "Do not give them any education"

Major Nawab Sir Ahmad Nawaz Khan: I have not said "any education": I said that we must give primary and technical education.

Sir Muhammad Yamin Khan: The Honourable Member wants that only primary education should be given, with which we have no concern in this House: that is entirely the concern of the Provincial Government. We are concerned with higher education (Interruption). I think the people who can speak on behalf of their province should advocate their cause and not people who cannot speak on behalf of their province: such people should not speak and that is the only thing that made me get up at this time: otherwise I had no intention of taking any part in this debate.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): I am prepared to put the question subject to any reply by the Mover. Does the Honourable Member wish to reply?

Mr. Abdul Qayyum: Yes, Sir. Sir, I am not at all surprised at the very unsympathetic attitude of the Government. It is always the same with this Government. Whenever we want them to do the right thing, they always say 'No'. Now, take the case of the Frontier Province. Here is a very reasonable proposition in favour of higher education in the North-West Frontier Province and the tribal belt. We ask for education and the answer of the Government is: "You shall not have it". We do not ask for bombs, but you rain bombs on us from the air. 7,000 was the

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number which was admitted by the Honourable the Defence Secretary. The British Premier stated the other day in the House of Commons that he is waiting for an international settlement, before he can stop this nefarious practice of bombing people who are British subjects in the eyes of international law and who form part of British India. Anyway I am not straying into this digression, but in the very beginning I must demolish one misrepresentation which has been advanced by the spokesman for the Government, *viz.*, that by this Resolution I want some more money for my province in the form of additional subvention. I want to give the lie direct to this allegation in the very outset. I am not clamouring for an additional subvention. My point is that you are annually spending about two crores of rupees on the tribal belt and out of that amount you spend only about one lakh on the education of those people. This comes to about .65 per cent. of the total tribal expenditure. Now, if you take the figures for the North-West Frontier Province, *viz.*, the Settled Districts, (I will quote the figures for 1937-38), you find that in 1937-38 something like 22 lakhs were spent on education out of a total of 183 lakhs—this works out to 12 per cent. of the total budget. Since then the Congress has assumed power in that province, I am sure that the amount set apart for education has now been considerably increased: I cannot give the exact figure, but it has certainly gone up to a very considerable extent. Here you find the same people split up into two parts: in one part an enlightened Central Government, which claims to be civilised, administering the affairs of those people and spending only about .60 per cent. on their education, and on the other side you find a popular Government spending something like 15 per cent. on the education of the people. The contrast is so obvious that the action of the Government of India stands self-condemned. They always talk of their desire to improve the economic condition of the tribal people and of educating them. But mere words will not do. We have to look at their actions. We find that a very small fraction of the money is spent on education and the rest is being frittered away on useless objects.

I was looking at the budget estimates for 1938-39 and I find some very interesting figures. It has been estimated that the total cost of a university for the Frontier Province will be Rs. 2½ lakhs recurring per annum. I think it is quite likely that the Provincial Government will contribute about 50 per cent. but it is desirable that the Government of India should contribute the remaining fifty per cent. because about half the population of that area is under their control. We find that the Government of India have spent in the year 1936-37 Rs. 3,25,000 on entertainments. It is a shocking state of affairs for the Government of India to come forward and say that they cannot contribute a sum of Rs. 1,25,000 for a university, but they can squander away the good money of our people to the tune of Rs. 3,25,000 in entertaining people who are traitors to their country,—tribesmen who go and visit these officials and pledge their support to the sale of the tribal area. This state of affairs is simply shocking. I put a question some time ago to the Honourable Secretary for Foreign Affairs—and it is No. 34. In this I asked for certain information about the relative amounts which were being spent on education and on what are called *mowajibs*. The answer is, that during the last two years Rs. 2,61,000 was spent on education—that is about Rs. 1,30,000 per annum; during the same two years Rs. 14,50,000 were spent on *mowajibs* or Rs. 7,25,000 a year.

Now, what are "*mowajibs*"? "*Mowajibs*" are bribes paid by the political officers to traitorous tribesmen who have pledged their support to the forward policy of the British Government. No account is kept for that money. I have driven a political officer in the tribal area and I have seen his orderly carrying a bundle of notes which were being distributed right and left—bright crisp notes—without any receipts being taken, without any account being maintained; and this is the shameless manner in which this callous Government—this unpopular and bureaucratic Government,—wastes the money of the Indian people to bribe people who sell their country. And they have the effrontery to come to this House and say that they cannot find Rs. 1,25,000 for a very laudable object, namely, the spread of higher education in the Frontier Province. This Government has no right to call itself a civilised Government, and it stands self-condemned at the bar of public opinion. I have seen them (*i.e.*, Members of Government) at work in this House and I have come to the conclusion that it is no use coming into these legislative chambers and sit with these unreasonable and irresponsible people. And, I think, the time has come when we should all go out and work outside in the country to overthrow this Government. They have got absolutely no moral right to exist, and the sooner their inglorious career is brought to an end, the better it would be for the people of this country.

Then the Honourable Sir Girja Shankar Bajpai stated that what is now required is secondary education and not higher education. Sir, your Government has been in the tribal belt ever since the overthrow of the Sikh power in the Punjab: you came in contact with the tribal people in the early twenties of the last century. Now, what have you done for

12 NOON. the secondary education of these wretched people for whom you profess so much sympathy? And here, I will quote from the speech of the Honourable Sir Aubrey Metcalfe which he delivered on the last occasion when this Resolution was being discussed. He admitted in so many words that there are three secondary schools in Waziristan, one in Malakand and one in Kurram for a population of 2½ millions. During these 115 years Government has set up only five secondary schools, and now they come forward with a plea that they are not going to have a University because they want money for secondary schools. This is a specious plea and the intention of the Government is quite clear. It shows that the Government is merely indulging in lip sympathy without doing anything to help the people. Last year an extra Resident was foisted upon us and he took away about Rs. 50,000 or Rs. 60,000 in pay. Now we have been told that from the 1st of April there will be only one Resident and the other will have to go.

After having made these remarks, I would draw the attention of this Honourable House to the speech of Sir Aubrey Metcalfe and I shall read the most relevant part of his speech where he stated:

"Government have attempted for many years to do everything within the limits of the financial possibilities and other possibilities which I shall mention, later on, to promote the cause of education in tribal areas."

And then in the same breadth he stated:

"The present recurring expenditure, which has been incurred for some few years, is in the neighbourhood of one lakh on schools."

Now, one lakh out of a budget of two crores, that is .50 per cent.—it is not even one per cent.—is a very miserable figure, and is a very eloquent commentary on the conduct of the Government and on their professed desire

[Mr. Abdul Qaiyum.]

to help these people with the spread of education. Sir, this is not all. What is the bright idea of having a tribal area? The idea is to take life out of these people, to make them unmanly, to make them docile, like the others whom you have made docile in this century and a half of your rule. You have made them absolutely unmanly. You have relieved them of their arms. They have not the courage to give you a straight stare in your eyes. This is what you now want to do on the Frontier. You are creating a preserve for British officers to draw fat salaries and you do not spend any money on the education of these people. It was admitted by the then Foreign Secretary, Lieut.-Colonel A. E. B. Parsons some time ago in answer to a question on the 30th September, 1937, that:

"their (*that is the Government's*) examination, however, leads them to conclude that little can be done in the development of the country and that economic relief can best be given by extending the opportunities for Government and other service."

How are you going to extend the opportunities for Government service and other service, unless you give them the best type of education? Why don't you give them the best type of education? How can you give them the best type of education without a university which is suited to the genius of these people, to their glorious past, to their vigour and to their manhood? And then, if you are really bent on economy, what is the use of having all this top-heavy administration in the tribal area? You spend crores annually in bribing these people, in the most shameless manner that has been known to the history of the world. Why not scrap this administration and hand it over to us? We can run it much cheaper. You can save about a crore and 50 lakhs annually. Our Ministers can look after the tribal area much better. They have more influence in the tribal area and you do not even tolerate their admission into these areas. You are afraid of them. You perhaps know what a tremendous reception Pandit Jawahar Lal Nehru and Khan Abdul Ghaffar Khan got when they entered the tribal belt. When they entered the Kohat Pass, thousands of people trooped there with their muskets and fired them in the air. I was an eye witness of the whole thing. They gave them a reception which even your kings could envy. Your political officers were looking helplessly on and sending false reports that no reception had been given. You can scrap this administration.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is straying away from the subject of the Resolution.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): He is a Pathan, Sir.

Mr. Abdul Qaiyum: Where is the economy? Why have this top-heavy administration? You provoke wars with these people in the tribal areas and what is the result? We have to keep a top-heavy police; 32 lakhs of our budget is spent on the police to keep away these people, whom you provoke, whom you annoy and whom you insult. 32 lakhs is a very very heavy sum, considering the total amount of our budget, namely, a crore and 80 lakhs. What I want to bring to the notice of the House is that all this talk on the part of the Government that there is no money is all nonsense. It has got no foundation. It is insincere. It is sheer hypocrisy. You have got money. I will give you the figures. You have been increasing the money which you spend on the tribal area from year to year. If you look at the actuals for 1936-37, the total amount of expenditure on the tribal areas was a crore and 51 lakhs. In 1937-38, it jumps up to a crore and 70 lakhs. How

and where did you find these extra 19 lakhs? If you can find these extra 19 lakhs for marauding expeditions, for raids and for the shooting down of innocent people, could you not find a lakh and 25 thousand for setting up a University. I want an answer from the Government spokesman. I want an answer I repeat. I say you have no answer to give. You are here to mislead the people, to exploit the people and the sooner the people get rid of you the better. I do not care now whether you give us a university or not but I do say that all this talk of yours is insincere. With these words, Sir, I resume my seat.

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

"That this Assembly recommends to the Governor General in Council that a University subsidized by the Federal Government be at once set up at Peshawar for the Settled Districts and the Tribal Areas of the North-West Frontier Province."

The motion was adopted.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, as there is very limited time at the disposal of the House for non-official Resolutions and as there is a comparatively important Resolution to be brought up before the House I do not propose to move my Resolution.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member does not want to move his Resolution, he need not enter into any reasons.

RESOLUTION *RE* CONSULTING THE LEGISLATIVE ASSEMBLY ON TRADE AGREEMENTS.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Mr. President, I shall be grateful to you if you allow me to move my Resolution and speak, without standing up in my seat.

Sir, I move:

"That this Assembly recommends to the Governor General in Council that no steps should be taken to conclude a fresh Indo-British Trade Agreement or any trade agreement of a similar nature without first consulting the Assembly."

I have made many speeches in this House; and God willing, I hope to make many more; but I will make no speech today, for I cannot. I merely express my earnest hope and conviction that the mute appeal of a sick man, on behalf of his country, will perhaps reach the hearts of my colleagues in this House better than the most eloquent speech which can be made on behalf of this Resolution and that this House will pass this Resolution, which, I submit, is a very modest and a very reasonable one. It merely asks that the Government shall conclude no Indo-British Trade Agreement without first consulting the Assembly by an overwhelming majority. I move, Sir.

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

"That this Assembly recommends to the Governor General in Council that no steps should be taken to conclude a fresh Indo-British Trade Agreement or any trade agreement of a similar nature without first consulting the Assembly."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I rise to support the Resolution moved by the Honourable the Deputy Leader of our Party. I have no doubt that the whole House is keenly disappointed that the Mover, owing to ill-health, is not able to support the Resolution with his inimitable eloquence. I am also sure that all of us hope that by the time this Assembly meets in Simla he would have sufficiently recovered in health to take the part he has been taking ever since he entered this House. As he has already said, this Resolution is extremely limited in its scope. We are today not discussing the issue whether an Indo-British Trade Agreement is desirable, nor are we to discuss the terms of any such agreement. All that the Resolution before the House says is that no commitments about such an agreement should be made without consulting this Assembly. I hope to establish that if the Government attach any value to their previous undertakings, they cannot but accept this Resolution whole-heartedly. I want also to show that this is the only course by which the Government of India in their present constitutional position can discharge their moral liability to the people of India. I wish also to show that if the so-called Convention of Fiscal Autonomy is still alive, they cannot but act according to this Resolution.

Let me briefly review the previous undertakings. I do not want to indulge in copious extracts. Up to the year 1930, the Government of India had taken the view that this country has nothing to gain by any system of Imperial preference or even general reciprocal tariffs. They changed their view in the Imperial Conference of 1930 when it was decided to hold an Imperial Conference relating to reciprocal trade treaties at Ottawa. Moving the Resolution making the announcement of the appointment of the Ottawa Delegation, Sir George Rainy said on 4th April, 1932:

"If the conclusion of a trade agreement is reached as a result of the Conference, any changes in the tariff which it may involve will be duly placed before the Legislature for its approval. The Government of India have no wish to put any such changes into effect unless the Legislature is satisfied that they are in the interests of India."

Then, Sir, I do not want to go into the history of the Ottawa Delegation. When the report was placed before the Assembly for approval, Sir Joseph Bhore started the discussion by saying that he was placing the agreement for the arbitrament of this House. Speaking on that Resolution, Sir Arthur Moore, on behalf of the European Group, said:

"We are made in this matter to feel ourselves a responsible House. We are told, as I understand it, that the decision rests absolutely with us."

But Sir Hari Singh Gour was not satisfied with this. He doubted whether in this matter the Assembly was to be treated as a responsible House and several other speakers also spoke in the same strain, as a result of which a special Committee was appointed of which you, Sir, were also a member. By paragraph 20 of the majority report of that Committee it was laid down that this Assembly should have full authority over the course of the agreement and that, whenever this Assembly decided to terminate the agreement, Government should undertake to give notice of termination. The Government of India accepted the Committee's report in its entirety. When the time of three years fixed by the Committee expired, the Government of India brought before this Assembly a Resolution to appoint a Committee to examine the trade agreement and decide the future course thereon. But this Assembly in 1936 refused to appoint the Committee and called upon the Government of India to terminate the agreement. The

notice of termination was given. I should like to refer to one or two sentences in Sir Muhammad Zafrullah Khan's speech in this connection. He said that:

"While in other matters this House was suffering from a feeling of unreality, in this matter of trade agreement at least this House must consider itself as fully responsible and therefore should decide the matter accordingly."

The Government, of course, adhered to their undertaking so far as the original trade agreement was concerned and after the Resolution of the Assembly they gave notice of termination. If these things stood alone, I think this Resolution would have been superfluous. There would have been no reason for us to doubt the sincerity of the Government and to bring forward this Resolution thinking that the Government, in their future agreement, would depart from this practice and will do something contrary to these undertakings which I have mentioned. But the later course of events has given rise to grave doubts. The agreement was to expire in November, 1936. The Assembly met in Simla and dispersed on the 7th October, 1936, but the Government did not tell this Assembly what they were going to do. On the 19th October, 1936, they issued a Press communique in which they said:

"In view of the fact that negotiations are now in progress between His Majesty's Government in the United Kingdom and the Government of India for the conclusion of a Trade Agreement in replacement of that concluded at Ottawa in 1932 and which is due to terminate on November 13th, 1936, it has been agreed by the two Governments that pending conclusion of new Agreement the 1932 Agreement shall continue in force subject to termination at three months' notice by either side unless it is replaced by a new Agreement."

It has further been agreed that in the event of failure to conclude a new Agreement neither party shall withdraw the existing preferences without prior consultation with the other party."

Now, Sir, the Government were morally bound to place this matter before the Assembly in the Simla Session of 1936 and should have abided by the verdict of the Assembly, but they waited till the Assembly Session had concluded and a few days after the Session they embarked upon this procedure. Now, the negotiations have been continuing for the last one and a half years. During this time the Members of this House have been repeatedly asking the Government whether they would consult this House before concluding an Indo-British Trade Agreement, but the Government were consistently evading it. Our attempts to elicit the opinion of the Government culminated in an adjournment motion. At the end of the last Simla Session on 30th September, 1937, the Honourable Mr. Satya-murti tried to move an adjournment motion. Objection was taken that the matter was not urgent and I should like in this connection to quote your ruling. You said:

"Although the subject is one of great importance, the attitude taken up by the Government is not a new one and, as far back as 25th September, 1936, they told the House that they themselves had the entire responsibility as to whether they will consult the House or not and that they were not bound to consult the House. All that happened yesterday was that the Government spokesman said that the Government had not come to any conclusion one way or the other. Even on the 23rd August, Government had made their own position perfectly clear. The motion is not, therefore, urgent within the meaning of the rules, and I rule it out of order."

Because the Government could not give a positive undertaking and because they were always saying that they had not made up their mind in the matter, we had to table a Resolution and this is the very earliest opportunity when we could discuss such a Resolution.

[Mr. K. Santhanam.]

I now come to the next point. The Government have always stressed that the responsibility for this matter is in their hands and that as an irresponsible executive they could not bind themselves to be governed by a vote of this House. I wish to submit that because they are irresponsible they have to consult this House and abide by its verdict. If they were a responsible Government, they would have a majority of the House behind them and if they had concluded a trade agreement without the support of the Legislature, then they would automatically go out of office and a new Ministry will step in. But in this case, we cannot do so. The present Government are politically subordinate to the British Government. They cannot but accept orders from the Secretary of State. Under these conditions unless they consult the Assembly, they are bound to be dictated to by particular interests outside the country which may be hostile to this country. Therefore, owing to the position of irresponsibility, it is all the more reason for them to consult this Assembly.

Then, Sir, what is the meaning of consulting this Assembly? The Government have got 40 Members and therefore, in order to get a majority they have got to get the support of only 30 per cent. of the elected Members of this House. If they cannot get even that percentage of elected Members to vote with them, how can it be said that any section of Indian opinion is in favour of that agreement. I am not saying that it is a reasonable position that the nominated bloc should vote on any proposition which vitally affects the interests of the country. But the Government have always insisted that the nominated bloc also formed part of the Legislature. Even conceding the right of nominated Members to vote for a proposition, we demand that Government should bring forward for the consideration of the Assembly any trade agreement that they might enter into. If, with such a large bloc of official and nominated Members, all the non-official elected Members are unanimous on this matter, no proposition can be put through which is against the interest of the country. The Government must convince at least 30 per cent. of the elected Members so as to be able to get a majority for their proposal. This will at least give some chance for Indian interests to be consulted.

Now, Sir, I shall deal with the third point, namely, the convention of fiscal autonomy. This question came up for discussion when the Cotton Industries Protection Act was before the Assembly in 1930. Sir George Rainy summed up the position as follows:

"I think, Sir, it has been clear all along that what fiscal autonomy means is that if the Government of India and the Legislatures are in agreement, the Secretary of State will not exercise his power of superintendence, direction and control in any dominion. It would be necessary that the Government of that dominion and the Legislature should be in agreement before a decision on such matters could be arrived at. The difference of course is that in a dominion automatic means are provided by which when there are differences between the Legislature and the Government they are at once adjusted whereas under the existing Constitution in India no such automatic means of adjustment are provided."

On this statement, Sir, your predecessor in office made this highly illuminating comment:

"Unless the Government of India are prepared to assimilate themselves to the position of Ministers acting as such in this matter of fiscal autonomy, this fiscal autonomy has no meaning under the present Constitution."

Therefore, Sir, I want the Government to state whether they attach any importance to this convention of fiscal autonomy and if they do attach, whether they are willing to put it into practice and bring this Indo-British

Trade Agreement to the vote of this Assembly for its approval. Of course, it may be said that any such agreement is bound to be followed by legislation and then this Assembly will have its voice in shaping that legislation. I suggest that that is not a fair position either for the Government or for the Assembly. If it is a question of purely internal matter then a thing once done may be undone, but where India's relations with foreign countries are concerned, it is not possible, it is not good for this country that a trade agreement once entered into should be broken by this Assembly. Therefore, it is the path of wisdom, it is the path of justice, it is the path of discretion that before concluding a trade agreement the Government should consult this Assembly and take its consent and then only conclude that agreement. For when once the Assembly has ratified the agreement it is bound to pass legislation implementing the agreement and no more friction would arise. If the Government are not prepared to give any undertaking, then the Assembly will have no other option but to conclude that there must be something wrong in the agreement entered into by Government and that is why they want to burk the issue. There is bound to be widespread agitation throughout the country and any good effects which the agreement may have will be lost by the agitation. You may say that the agitation is ignorant. But if you do not take the Assembly into your confidence, we have no other alternative but to agitate against the agreement, whether ignorantly or perversely. That is the only course we would be driven to pursue.

I hope that I have convinced the House that consultation of this Assembly and the previous consent of the Assembly is the only honourable course, is the only honourable method by which any trade agreement could be entered into. Therefore, I hope that Government will accept this Resolution.

Mr. F. E. James (Madras: European): Sir, an appeal *ad misericordiam* from my Honourable friend, Mr. Satyamurti, is a very difficult appeal to reject, but we are bound to examine the proposition which is put before the House with the greatest possible care and I may assure him with no lack of sympathy. What is the proposition? The proposition is that we should recommend to the Governor General in Council that no steps should be taken to conclude a fresh Indo-British Trade Agreement or any trade agreement of a similar nature without first consulting this Assembly. That, I take it to mean that before the Government of India can formally sign a treaty dealing with trade between this country and any other country, it must consult the Assembly. Now, Sir, I think we all entirely sympathise with the desire of the Legislature to know what is happening in regard to trade agreements when negotiations are being undertaken by the Government of India. If I may say so, that is not a desire which is peculiar to this Legislature because any one who is in the House of Commons when negotiations are being undertaken by His Majesty's Government as regards trade agreements will know how many questions are asked from time to time by Members of that House in regard to the progress of the negotiations and in regard to the effect of those negotiations upon particular industries. But what puzzles me about this Resolution is this. What I should like more light upon is, what has the Mover in mind, what have his friends in mind as regards the precise method of consultation? I am not making this point merely in the spirit of trying to criticise the wording of the Resolution. But I do want my Honourable friends to ask themselves this and perhaps to inform the House exactly what they mean

[Mr. F. E. James.]

when they say that no trade agreement should be concluded without first consulting the Assembly. My Honourable friend, Mr. Santhanam, did not enlighten the House on that point. Do I understand for example that before the Government of India sign an agreement, the text of that agreement should be placed before the House, and the House should declare its opinion on that agreement by means of a Resolution and then the Government of India should accept the verdict of the House on that Resolution? I suggest that if that is the method which is in the mind of Honourable Members, then it is a method that the Government of India could not possibly accept.

My Honourable friend, Mr. Santhanam, has emphasized the fact that at the present time we are operating under what has been described as a non-parliamentary executive. After all, the power of a legislative body, even the power of a body of this description, depends, in the last resort, upon its ability to turn out the executive; and where it has not that ability, the executive cannot be expected to place itself at the mercy of the Legislature, for the strength, as some one has said, of a purely non-parliamentary executive lies in its comparative independence of the Legislature. Honourable Members may not like that position, but that is the constitutional position as it is today. You cannot conceive of such an executive saying, "in spite of that position, in spite of our constitutional freedom from the Legislature, in regard to trade agreements we are going to place ourselves at the mercy of the Legislature, in which admittedly we have a minority." How can they possibly do that? It would be entirely wrong, they would be abdicating their responsibility; in fact they would be entirely changing their functions under the Act within which they are obliged to work. If our Honourable friends do not mean that the agreement should be placed before the House, that the Government of India should, before signing the agreement, agree to be guided by the verdict of the House, then what do my Honourable friends mean by consultation? Of course they may mean the House should appoint a Committee, and that this Committee should be consulted as to the lines on which any future agreements should be carried out. But I would remind my Honourable friends that they themselves have removed the strength of that argument by reason of their previous verdict in this House when the Government itself offered a Committee on the Ottawa Agreement and on the lines along which any new agreement would be carried out. The House rejected such a proposition, and therefore, we are left with some doubt as to what exactly the Honourable Members are really after. Do they seriously suggest that this Agreement should be placed before the House, and that the Government of India should be prepared to abide by the verdict of the House on the terms of the Agreement.

Now, Sir, supposing that is the position which my Honourable friends take up, ought we to agree to that position? Could we possibly recommend that the Government of India should take that line? I would ask my Honourable friends, in all sincerity, to try and imagine to themselves what does transpire when negotiations are undertaken between representatives of two Governments. The negotiators must be presumed to be working on behalf of the interests of the country which they represent. How can negotiations be successfully carried out when one party to the negotiations negotiates in the knowledge that, at the conclusion of the negotiations, before that party can put his signature to the treaty, he may

be placed in the position of the conclusions being repudiated by the Legislature in which his Government has no party, over which it has no control, and in which in fact it is in a complete minority. No negotiations could possibly be undertaken in that sense; no other country would in fact enter into negotiations with the Government of India if they were aware that, although negotiations between the two parties might be carried out successfully as far as the chief negotiators are concerned, the Government of India negotiators might be entirely repudiated by the Legislature, and that they would then have to repudiate what they had done and ask the other country to start the business all over again.

An Honourable Member: What is done in Great Britain?

Mr. F. E. James: There are means of doing that in Great Britain which are not applicable to this House. I pointed out a little while ago that, whether we like it or not, the constitutional position is there—if the Government of Great Britain concludes an agreement, this agreement is not placed before the House of Commons; but the constitutional position is there, and at the proper time, if the House of Commons does not like the agreement, it has an opportunity of repudiating the policy of His Majesty's Government, turning them out and putting in another Government. But that alternative is not open to this Legislature. While I admit that this Legislature is perhaps working under a disadvantage in that respect under the present Constitution, yet we cannot blind our eyes to the fact that this is the position.

Now, Sir, it may be said, we have to appreciate the difficulty, we do not want the hands of the Government of India to be tied down by the verdict of the Legislature after they had concluded, for example, certain delicate negotiations. We admit that. What else are the Honourable Members asking for? What then do they mean by consultation? Is it that they mean by consultation that instead of the Government being advised by advisers who are not Members of this House, they should be advised by advisers who are Members of this House? Is that what they want? Are they dissatisfied, for example, with the advisers who have been advising the Government delegates on the negotiations at present under consideration? Do they think that the advisers should invariably be chosen from among the Members of this House? In that sense do they think that this House should be taken into consideration? That is entirely a different position. That is a very small issue, whether you should have advisers representing this House or representing the industries which are affected in the course of these negotiations. But unless there is some other method of consultation which has not yet been explained to us, unless we are sure that there is some other method which is constitutional, which does not take away from the Government of India their sole responsibility in these matters, which does not attempt to convert what is a non-parliamentary executive into a parliamentary executive, if there is no other method which can be suggested by my Honourable friends who are interested in this Resolution, we shall be obliged to oppose it on the grounds that I have mentioned.

Mr. Sami Vencatachellam Ochetty (Madras: Indian Commerce): I have listened with very great attention to the speech of my Honourable friend,

[Mr. Sami Venkatachalam Chetty.]

Mr. James. As usual with his dexterous play upon the words of the Resolution, he desires to carry the House with him. I am sure, as usual, he will be disappointed in this matter also. What is the difficulty of Mr. James? Mr. James is unable to understand the actual motive of the Mover of this Resolution. He says, because it is suggested in the Resolution that the Government of India ought not to take any steps to conclude any trade agreement, therefore, the Government of India would be unable to carry on negotiations with other countries lest any agreement that might be arrived at, might be repudiated by the House in which the Government under the Constitution is in a minority. The position under the constitution is quite clear, and it is exactly for the same reason that this House wants that any negotiations, before they are concluded, should be placed before the House for its ratification by Government. If the Government that is entrusted with the task of carrying on the negotiations on behalf of a country is a Government appointed by the country, the necessity for a Resolution of this sort does not arise. The whole trouble arises on account of the Government being there which is acting not so much in the interests of this country as it is in the interests of Britain. It is exactly to avoid the delicacy under which the Government of India is placed of having to listen as a subordinate Government to the commands and mandates of the Imperial Government that we want that they must take us into confidence, that they must get our agreement before they accede to any negotiations with any country.

Experience has shown that whenever they wanted to enter into a trade agreement with any foreign country, if not with Great Britain, the advantages have always been more on the side of the other country than on our side; and it was on account of that reason that the Ottawa Agreement was not ratified by this House. Mr. James suggested that when we did not want the appointment of a committee in respect of the Ottawa Agreement, we expressed the opinion that we did not want a committee in respect of any negotiations. That is, I think, trying to take the argument too far. It was in respect of the continuation of the Ottawa Agreement that we did not want a committee: not that we did not want the appointment of a committee in respect of trade agreements or fresh agreements with Great Britain or any other country. On the other hand, if my memory serves me right, I think there was a rider added to that Resolution on Ottawa that the Government of India may carry on fresh trade negotiations with Britain and other countries and that this House must be consulted. It is true that the constitutional position is that the present Executive is not a responsible executive. Having known that, the Members of the Government of India and the responsible officers who speak on behalf of Government made us understand that this House will be consulted in respect of any trade treaty or any such fiscal arrangement. What was it that was at the back of their minds? Was it merely to gloss over an existing situation then and then to disappoint this House or did they mean seriously and sincerely that they would take this House into confidence? The difficulty of the constitutional position was existing when responsible Members of the Government gave an assurance that in respect of any trade treaty this House will be consulted. As a matter of fact such assurances continued to be given until September. . . .

Mr. H. Dow (Commerce Secretary): Can the Honourable Member state when that assurance or promise was given on behalf of the Government?

Mr. Sami Vencatachelam Ochetty: I think my Honourable friend, Mr. Santhanam, has categorically stated—in 1930. . .

Mr. H. Dow: The Honourable Member is mistaken if he thinks so: Mr. Santhanam gave no reference to any such general promise made by Government.

Mr. Sami Vencatachelam Ochetty: It was stated that the terms of the agreement will be duly placed before the Legislature. That was in 1932; and then again: "There was no wish to make any changes without consulting the Assembly." Again it was said: "We are placing this agreement for the arbitrament of this House." . . .

Mr. H. Dow: Sir George Rainy was referring to a particular agreement and making no such general promise as the Honourable Member referred to in his speech.

Mr. Sami Vencatachelam Ochetty: Granting that—though there are no words that these statements were confined only to the particular agreement—what was it in that particular agreement which warranted these statements, which do not apply in the present case also?

Mr. H. Dow: He promised to place it before the Assembly after it had been concluded and not before: that is one very material difference.

Mr. Sami Vencatachelam Ochetty: Conclusions cannot be placed for arbitrament. Only conclusions in the tentative stage can be placed for arbitrament. Then the manner in which the Ottawa Agreement was continued inspite of the decisive vote of this House is most discreditable to any Government. There was a decisive vote that the Ottawa Agreement must be terminated and that notice must be given: the notice was given. The effect of it is to continue, under the modified treaty which is said to be in force, the conditions which are worse than what they were under the original treaty. What are the terms of the present treaty? The same preferences will continue until either party gives three months' notice, and no party shall give notice without consulting the other party. It seems to me even to the most uncultivated mind that an agreement concluded on those lines that no notice of termination can be given without consulting the other party only means that you can never be able to give termination notice at all; and that is why you have been continuing this agreement for the last eighteen months. Now, Sir, granting that there was no such promise on behalf of the Government to consult this Assembly with regard to the actual terms of an agreement, what is it, may I ask, that stands in the way of consultation excepting what has been suggested by Mr. James that an agreement that will be subject to the decision of the House will be difficult to be arrived at and, therefore, the Government cannot take the responsibility

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday it will be convenient to adjourn now. The Assembly will meet again at a Quarter Past Two.

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

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

Mr. Sami Vencatachelam Chetty: Sir, before we adjourned for Lunch, Mr. Dow asked me to state what were the assurances given by the members of the Government in regard to consulting this Assembly before any trade agreement is concluded. I thought my Honourable friend, Mr. Sānthanam, had given a catalogue of statements with regard to that point. Though these assurances were given in connection with the Ottawa Trade Agreement, I do not think that any Member of the House could possibly be under the impression that the Government had any mental reservation in regard to the application of the principle, either in regard to the continuance of the Ottawa Trade Agreement or with regard to any agreement that might have been entered into with other countries in respect of trade. Now, there is no point in saying that this was an assurance that was meant only in regard to the Ottawa Agreement, unless it be that in the matter of principle they are showing a concession to the feelings and opinions of this House that they would consult this House in respect of trade matters generally. Granting for a moment that these assurances have to be strictly confined to the Ottawa Agreement, might I not ask the Honourable Member whether the present move is not a continuance of the Ottawa Trade Agreement? After all, if the assurance was given in the year 1936 at a time when we were asking for termination of an agreement in regard to the Ottawa Trade Agreement, that assurance will naturally have application to any further negotiations that might have been carried on after the termination of the original agreement. Moreover, whatever might be the motives for avoiding consultation with this Assembly in respect of a trade agreement, particularly with Britain, is there a chance for the Government to escape the verdict of this House in one way or another? Any agreement would cause some changes in the tariff and, according to the present constitution, those changes have to be dealt with by the Assembly. No doubt if the Assembly rejects them, His Excellency the Viceroy has got the power of certification. That power is there in every matter, when you want to over-ride the opinions of this House. For instance, in regard to the Sugar Convention, there was a specific undertaking given at the Convention that in regard to the export of sugar the Assembly would be consulted and the Assembly was consulted and the Assembly gave a negative decision that the Government of India ought not to enter into that Convention. Still soon after that decision was arrived at, the Government of India did sign that Convention. Therefore, even a Resolution of this Assembly which might disagree with the conclusions which had been arrived at by the Government of India might not fetter them to the extent of repudiating the treaty that they might enter into.

All that we desire that in the matter of coming to an agreement in regard to trade matters the Government of India ought to be guided by the views of this Assembly in so far as the interests of this country are concerned and there is a particular importance why in respect of agreements entered into with Britain the Government of India ought to consult the Assembly and that is this. The Government of India is not a free Government. The very fact of an agreement pre-supposes that the parties must be of equal basis and status. In respect to the trade agreement it is evident and it must be admitted that the Government of India occupies a subordinate position and, therefore, it will be in the interest of the Government of India to consult the opinion of this Assembly in respect of these matters. I only request that the Government of India need not stand upon prestige in this matter. They might say that they are consulting the non-official advisers so far as Indian interests are concerned. That is only a partial concession. They should go the whole hog and take the Assembly into their confidence. The practical difficulties that were pointed out by Mr. James in regard to the treaty being repudiated by the Assembly may be overcome by adding a clause to any agreement that may be temporarily come to that the agreement is subject to modification by the Assembly and, moreover, why should the Government of India be so shy and so afraid to face the Assembly, if the conditions of the agreement are such that it would go through an Assembly composed of elected representatives of the people? If it does not go through this Assembly, it only means that the agreement is partial and one-sided and is not in the interest of the country. In so far as the Assembly has to be consulted in one way or another on the agreement that may be reached, I think it will be more prudent and more advisable that the Government should consult the Assembly before ratifying it, so that it might not be placed in an awkward position by the agreement being repudiated by the Assembly.

Seth Govind Das (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I rise to support this Resolution. My Honourable friend Mr. James asked us what should be the method of taking this House into confidence and having the views of this House. As far as the method is concerned, that would certainly be decided by the House itself. We only want that there should not be any trade agreement without consulting this House. As to what should be the method of consultation that would depend upon the House itself. Mr. James also referred to the non-official advisers. When we say that this House should be consulted before the agreement can be ratified, it does not mean that we express want of confidence in these advisers. That is not the position at all. I ask one question from the Honourable Mr. Dow and I ask him quite straight: Is it or is it not a fact that in their latest report these advisers themselves have recommended to the Government of India that any trade agreement which is to be made must be placed before this House before it is ratified? I ask this straight question. I do not want to tell the source of my information but I know that the Honourable the Commerce Secretary cannot deny this fact. When these non-official advisers themselves asked the Government that, before any trade agreement is ratified, this House should be consulted, I do not know how Mr. James can come forward and say whether we have any confidence in those non-official advisers or not. Besides that, those non-official advisers belong to the commercial community of this country, and as far as the commercial opinion in this country is concerned with respect to taking the opinion of this House, I

[Seth Govind Das.]

shall here quote the advice of the Indian Merchants' Chamber of Bombay and let the Honourable Mr. Dow and his friend, Mr. James, take a note of it.

"In future all such agreements before being ratified should be subject to the sanction of the Indian Legislature."

This is the opinion expressed by no less an authority than the Indian Merchants' Chamber of Bombay. Then, Sir, it has been said times without number that we have got fiscal autonomy. What kind of fiscal autonomy is it that we have? I cannot understand it. If these trade agreements are made without consulting us and without taking our opinion, then I say that it is not a fiscal autonomy, it is something else. The Honourable Mr. Dow said that as far as the opinion of Sir George Rainy is concerned, it was expressed only in so far as one particular trade agreement was concerned. But, Sir, as far as fiscal matters are concerned, not only Sir George Rainy but so many other important Government Members have declared that this House should be taken into confidence, this House should be consulted. I shall now read certain opinions of different Members of the Government of India. Sir Basil Blackett said on the 16th February, 1923 :

"I accept whole-heartedly the doctrine that it is India's right to decide what fiscal policy she shall have, and so long as I remain a Member of the Government of India I shall whole-heartedly attempt to assist in the introduction of the policy which India has chosen."

Sir George Schuster said at the time when preference import duty on non-British textiles was discussed :

"We made it clear to the British Government that in a matter of this kind, giving a preferential treatment to the British goods by putting an additional duty of 5 per cent. on non-British cotton textiles, after frankly stating our conclusions we should desire to put our carefully considered views before the Legislative Assembly with whom the final decision must rest."

Sir Joseph Bore, speaking on Indo-British Trade Agreement, said :

"The conclusions of the inquiry of the Tariff Board are to be our conclusions and if the substantial level of protection is to be reduced, it is the Legislature that will reduce the level of protection."

Now, Sir, I have read these opinions only to prove that there is not one instance, that is the opinion of Sir George Rainy, but so many Government Members have, when occasions have arisen, said that as far as the fiscal matters are concerned, this House should be taken into confidence and the opinion of this House should be the final opinion.

Then, as far as our attitude in this respect is concerned, let me point out that we are absolutely justified in our attitude. We have all along been saying that whenever the British interests are in clash with the interests of India, this Government always sacrifices the Indian interests. As far as the Ottawa Trade Agreement is concerned, Government know that that agreement was opposed by every commercial section of this country. Government gave the assurance that whatever verdict this House would give would be acceptable to the Government. We gave our verdict about three years ago and the Ottawa Agreement is in existence

even today. Sir Muhammad Zafrullah Khan said with regard to other agreement:

"Having regard to the proceedings that have been taking place previously in connection with the Ottawa Agreement and having regard to the undertaking given by the Government that the House is responsible so far as the question of this trade agreement is concerned, and that the Government is responsible to the House with regard to this trade agreement in a sense that the Government have undertaken that in case the House comes to a decision after reviewing the working of this agreement for the first three years that the agreement is not in the interests of India and if it calls upon the Government to give notice of termination under Article 14, the Government would be bound to give such notice."

Now, in spite of this assurance, we find that the trade agreement, has not been scrapped. On some pretext or the other it is still in existence. Then, there is another instance. The 5 per cent. duty on Lancashire goods was reduced without taking this House into confidence. Then, a third instance, when the trade agreement with Japan was made, it was also made without consulting this House. No doubt, certain non-official advisers were invited to give their advice with respect to the Japanese Trade Agreement, but their advice was not taken into consideration. Mr. Kasturbhai Lalbhai, the President of the panel of non-official advisers, said:

"The terms that were finally agreed upon were substantially different from the recommendations put forth by the non-official advisers in their memorandum."

Then, again, a trade agreement has recently been made with South Africa, and it is the opinion of many commercial experts in this country that this agreement is not in the interests of India. Therefore, we find that not once but repeatedly the Government have ignored the opinion of this House. The Government have never taken this House into confidence: the Government have never consulted this House. These trade agreements were made and the interests of India were sacrificed. In fact, there should have been no need for us to bring this Resolution if the Government had adhered to its proclamations. The Government have proclaimed times without number that we have fiscal autonomy, and this is the kind of fiscal autonomy which we have. I have given not one but so many instances to show that this fiscal autonomy is only in name and in reality we have no fiscal autonomy at all.

Then Sir, we find that while the Government of India have lost time in these negotiations, there is constant propaganda going on in favour of Lancashire and we are afraid that as far as Lancashire goods are concerned, we are going again to be deceived by this so-called Government of India. Sir, Lord Derby at the time of the annual meeting of the Empire Cotton Growing Corporation in Manchester said one day:

"While we are doing our best to help her (*Indian*) agricultural population by taking her cotton goods, they must do their best by increasing the amount of finished goods they take from this country."

Presiding at the annual meeting of the Indian section of Manchester Chamber of Commerce, the Chairman Mr. Inges D. Campbell said:

"The British Government clearly has the opportunity during these negotiations for securing a solution for the problem of the persistent decline of Lancashire trade."

These declarations have been repeated not by one but by many conservative Members of Parliament. So, Sir, while the Government of India is losing time a constant propaganda is going on in Great Britain in favour of Lancashire. The whole world accepts that as far as

[Seth Govind Das.]

Lancashire business is concerned, it is a dead business. But I am afraid this is not acceptable either to the Government of India or to the British Government. We fear that the trade agreement which is going to be brought before us and which is probably going to be ratified without consulting this House is going to give greater protection to Lancashire.

The Government besides this know that as far as this country is concerned, it cannot do without trade relations with other countries. We had very good trade relations with Germany, with France, with Italy, with the United States of America and other countries. They were taking our goods. But since the Indo-British Trade Agreement, we find that we are spoiling our trade relations as far as non-Empire countries are concerned. As far as the Empire countries are concerned, they are not taking as much as they ought to take from us. India needs a favourable balance of trade to the extent of 78 crores. Now, Sir the enormous export of gold, which was against the interest of India and for stopping that the Government of India did not raise even its little finger, was meeting adverse trade balance till now. But we find that even this export of gold is becoming less and less every year, as it ought to. In 1932-33, it was 65.5 crores, in 1933-34, it was 57 crores, in 1934-35, it was 52.5 crores and in 1935-36, it was 37.3 crores. Now, Sir, what is going to happen to this country when this export of gold diminishes still further. We are going to be doomed if we do not revive our trade with non-Empire countries. I say that when we are considering all these questions, we cannot trust this Government for a single moment. This Government is here always to protect the interest of Lancashire and Great Britain, it is ready to protect the British interests and sacrifice the interests of this country. We know one of the reasons for their rule in this country is to exploit us in trade. Their history for the past 150 years has shown it and has proved it to the hilt that they always sacrifice the interest of this country for the interests of Great Britain. Under these circumstances, we demand that no trade agreement should be ratified without previously consulting this Assembly. I hope, Sir, that if India has real fiscal autonomy, the Government will not ratify either Indo-British Trade Agreement or any other agreement without first consulting this House. Sir, I support the Resolution.

Mr. N. M. Joshi (Nominated Non-Official): Mr. Deputy President, I rise to support this Resolution. Sir, the issue involved in this Resolution is a very narrow one. My Honourable friend, Mr. James, quibbled about the meaning of this Resolution. To my mind the meaning of this Resolution is absolutely clear. It is this, that when the Government of India negotiate a treaty with Great Britain, that treaty should be placed before this Legislature for its approval. My Honourable friend, Mr. James, also argued that there is a difference of relationship between an irresponsible Government and the Legislature and the relationship between a responsible Government and its Legislature. To my mind, if there is any difference between the relationship of a responsible Government with its Legislature and an irresponsible Government with its Legislature, the difference is, that in the case of an irresponsible Government, the need for placing the treaty before the Legislature is greater. If a Government is responsible, that Government is chosen by the Legislature itself. To that extent the treaty negotiated by the Government may also be considered to be a treaty

negotiated by the Legislature also. But where the Government is irresponsible and irremovable, the need for consultation and approval of the Legislature is undeniable. Moreover, in England, there is a responsible Government and even in England where there is a responsible Government, treaties are laid before Parliament and Parliament has absolutely every right either to ratify the treaty or not to ratify the treaty. My Honourable friend, Mr. James, knows very well that when the Labour Party negotiated a treaty with Russia, that treaty was completed so far as the Labour Party was concerned, but the treaty was not approved by Parliament. Moreover, the Government of India themselves wisely accepted the policy of consulting and taking the approval of the Legislature when a treaty was negotiated. My Honourable friend, Mr. Vencatachelum Chetty, has pointed out that the Government of India, under the present constitution, is not a free Government. It is a subordinate Government. It is not only a subordinate Government, but it is a Government subordinate to British Government. In these circumstances, I feel it is morally wrong that the Government of India should negotiate a treaty with Great Britain or with the British Government without consultation and approval of the Indian Legislature. Sir, the Government of India is not only a subordinate Government to the British Government but, at present, the Government of India predominantly is a British Government. In the Executive Council, there are three Indian Members and three British Members. There is the Governor General above them with special powers. Under these circumstances, Sir, when the Government of India negotiate a treaty with the British Government, it is like the British people negotiating a treaty with the British Government or with the British people. It may be true that the persons who are at present engaged in negotiating a treaty happen to be Indians, but they are under the orders of the Government of India, they are not free agents. I, therefore, feel that under the present constitution of the Government of India, with the present personnel, if a treaty is negotiated by the Government of India with the British Government and with the British people, and if it is not approved by the Indian Legislature, it will take the colour of nepotism. It is like the son negotiating a treaty with the father. It is a wrong thing from my point of view and from the point of view of sound public policy that the present Government of India should negotiate a treaty with Great Britain without the consent of the Legislature.

Then, Sir, it may be stated that the Government of India have appointed non-official advisers, these advisers may be very good people and may be very able people. But at the same time they are not the representatives of the people of this country. They are not legislators themselves nor are they responsible to the Legislature. It is therefore wrong to suppose that because there are non-official advisers advising Government in the negotiations, there is, therefore, no need for the Government of India to secure the approval of this Legislature. Moreover, Sir, I feel that although the persons called non-official advisers may be very able men, still they do not represent all the interests of this country. A commercial treaty or a trade treaty does not affect the interests only of those people who are interested in commerce and trade, it affects the interests of all sections of the population in this country. The interests of the masses, of the agriculturists, of the industrial workers, and all the other classes of people, will be affected by any treaty which we may make with Great Britain. Unfortunately, Sir, the Government of India, when they think of negotiating a trade treaty, feel that it is only the interests of

[Mr. N. M. Joshi:]

men engaged in commerce which will be affected by that treaty. The present personnel of the Advisory Committee consists of some engaged in commerce and one or two landlords. Sir, they are not the only people whose interests will be affected by the trade treaty. I therefore, feel, Sir, that however, able the men who are appointed as advisers may be, they do not represent all sections of the population in this country. I therefore, support this Resolution.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, may I suggest that Government should now make clear their position as the discussion is really getting very unreal.

Mr. Deputy President (Mr. Akhil Chandra Datta): It is not for the Chair to dictate; it is for the Government to decide whether they will intervene at this stage.

Mr. H. Dow: I have no objection to speaking now since that is desired, though I admit that I had hoped to speak at a little later stage, when I might have something more to answer.

Sir, I should like to express my pleasure that Mr. Satyamurti has so far recovered as to be able to move this Resolution, and, as the debate has gone on, I have been more and more sorry that he was not able to take a greater part in it. I do not think he had a very good hand, but I am sure he would have played it a great deal better than some of his supporters have done. Still, on that point I am perhaps fairly level with them. If this debate had come on at a little later date, it would have been dealt with on this side of the House by Sir Zafrullah Khan, and I have no doubt that he would have dealt with it very much more competently than I shall do.

Now, Sir, I always feel in a debate of this kind a certain unreality. It is very difficult to get major question affecting the Commerce Department dealt with on their merits, because so many gentlemen opposite are really speaking not on any commercial question, but on a purely constitutional issue; and it seems to me that the issue now before the House is almost entirely a constitutional one. Since a reference has been made on the other side to a statement made by Sir Joseph Bore I should like to read one which he made on this particular issue. I think that all the Members of the House realise that Sir Joseph Bore, within the limits imposed on him by his constitutional position, was as willing and as anxious as any one could be to go as far as he could to meet the views of the Opposition. This, Sir, is what he said on this particular question:

"So long, however, as the responsibility for the executive Government of this country rests on the Government of India as at present constituted, and so long as the Government of India are responsible to Parliament through the Secretary of State for India, so long must they retain a very large measure of discretion to upset, or to reject, or to modify the recommendations which may be made by this Assembly. I am sure that it will be conceded by every one that it would be an impossible position if the responsibility for the administration rested with us and at the same time we were required to accept and give effect to the lines of policy laid down by the Opposition in this House who have no responsibility for the Administration. I think the proposition has only to be stated in that form in order to expose its unreasonableness. On the other hand if we are called upon to accept every conclusion registered by the Opposition, then there would be no need of any Government of India Act, because responsible

Government would be complete and effective. On the other hand because we cannot in all cases accept the recommendations put forward by this House, it does not mean that its opinions are thrown into the wastepaper basket: far from it. I would ask the House to realise that we do pay the greatest attention to what falls from the Members of this House, to whatever party they belong, and from whatever quarter of the House these opinions are expressed."

Now, Sir, that really lies at the root of the whole discussion, and I think that Mr. Venkatachalam Chetty was unfair to Mr. James in referring to what he said as a play upon words. It was a great deal more than a play upon words. It is quite impossible, as long as we are an irresponsible Government, to put ourselves in the position of being bound by Resolutions passed by the majority in a House where Government are always in a minority. You may say that you are not really asking as much as that; you are simply asking that you should be consulted. Well, Sir, one result of having an irresponsible Government is that you also get an irresponsible Opposition. I think Members opposite, if they are honest with themselves, will admit that there have been many matters on which, if they had had to take the responsibility, they would have voted otherwise than they did. They know that the ultimate responsibility is that of Government, and therefore, they do not act with the same sense of responsibility as they would if they realised that we were a responsible Government who could be turned out of office by votes.

Mr. Manu Subedar (Indian Merchants Chamber and Bureau: Indian Commerce): Are you questioning the honesty of this side?

Mr. H. Dow: I am using the words "responsible" and "irresponsible" in the sense in which they are generally understood when one is discussing constitutional questions, and in that sense every other Member has understood me.

Mr. Manu Subedar: I rise to a point of order. The gentleman said, "if the Honourable Members were honest with themselves they would not have voted in a certain way in which they voted." I ask for your ruling whether it is parliamentary to make this suggestion—that in voting on the grants as we did we were not honest. It is a false suggestion. I ask for your ruling whether the use of the words "honest to themselves" by the Honourable Member was correct and parliamentary.

Mr. Deputy President (Mr. Akhil Chandra Datta): I understand that the Honourable Member says he has not used those words.

Mr. H. Dow: I said: "if they were honest with themselves they would admit a certain matter," and I believe that almost everybody in this House accepts that as a correct statement.

Mr. Manu Subedar: I submit that he did use the words.

Mr. H. Dow: I did not, I merely pointed out what they would admit as the result of being honest with themselves.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member says that he did not suggest that any Honourable Member of the Opposition was dishonest.

Mr. H. Dow: I simply stated the result which follows from being honest with oneself, and it applies equally to Members on this side of the House and on the other.

Mr. Deputy President (Mr. Akhil Chandra Datta): I think the Honourable Member says that he never meant that suggestion. That statement ought to be accepted.

An Honourable Member: We accept it.

Mr. H. Dow: Now, the gentleman who opened the debate, Mr. Santhanam, said, I think, at first that if Government only held by their previous undertakings, there would have been no reason for bringing this Resolution. I think that is what he said—I do not wish to misinterpret him. (The Honourable Member nodded assent.) I say straightaway that Government do hold by their previous undertakings, and that, therefore, on his own admission, there was no need for this Resolution to be brought.

Secondly, he referred to the convention of fiscal autonomy. The convention of fiscal autonomy, as I understand it, is this: when the Legislature and the Government of India are in accord, the Secretary of State will not interfere to over-rule them. Mr. Santhanam seems to think that the fiscal autonomy convention is something quite different. He suggests that it is time we began to apply it. I say that we have been applying it continuously and consistently. But he seems to think that what is meant by the fiscal autonomy convention is that we should first of all bring all fiscal matters before this House, then when the House comes to a certain conclusion we should be bound to accept that conclusion, that, therefore, the Government of India would be in accord with the Legislature, and everything would be settled accordingly. That is not the fiscal autonomy convention: the convention as I have explained it has been consistently acted on by the Government of India

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I interrupt the Honourable Member? Supposing the Government of India conclude an agreement and supposing the Legislature does not agree, what will happen?

Mr. H. Dow: If the Government of India are not in agreement with the Legislature

Mr. M. A. Jinnah: The Government of India have concluded the agreement, and until you have concluded the agreement the Legislature will not know anything about it; after you have concluded the agreement when the Legislature comes to know about it, supposing it does not agree with the Government of India, what will happen?

Mr. H. Dow: That is quite obvious. The making of a treaty is an act of the Executive Government, and if subsequently it is found that the Legislature

Mr. M. A. Jinnah: Where is the room for the fiscal autonomy to work?

Mr. H. Dow: In that case I admit there is no room for it. I agree it does not come into operation.

Seth Govind Das raised one or two points by way of illustrating the irresponsible nature of the Executive. First he referred to the recent reduction of duty on Manchester goods. Now, I would like to point out that that reduction was in accordance with section 4 of the Indian Tariff Act which was passed as recently as 1934; and section 4 of the Tariff Act makes it quite clear that the Legislature is not required to be consulted in such a case. Moreover, if the Honourable Member will cast his mind back to 1934, he will remember that when the Act was actually under debate in this House, an amendment was brought by Sir Abdur Rahim, who is now the Honourable the President of this House, to the effect that the Legislature should require to be consulted in such a case, and this House decisively rejected the amendment

Seth Govind Das: It was not a real representative House at that time!

Mr. H. Dow: So you cannot accuse us of not being responsive to the wishes of this House, when we are acting strictly in accord with
 3 P.M. the procedure which was laid down for us by this House.

There is, I think, a little confusion in the Resolution before us. Most of the Members who have spoken to it have spoken as if the sense of it was that we might conclude an agreement, but should bring it before the House before giving effect to it. That is not, of course, what the wording of the Resolution says; but at any rate it seems to be understood in that sense by a number of Members who have spoken in favour of it. In so far as an Indo-British Trade Agreement involves the raising of customs duties, it is bound to be brought before this House. Government have not the power to raise customs duties without consulting this House. Under section 23 of the Sea Customs Act, Government have the power to reduce or remove a duty, but they have no power to raise it without coming to this House. Therefore, in so far as legislative action is necessary to give effect to an agreement, Government are already bound to come before this House.

As for the present negotiations, we have at present no knowledge whether they will or will not actually result in a trade agreement. It seems to me that it would be entirely premature for Government in these circumstances to make up their minds, without knowing whether an agreement will result, whether they would or would not bring the matter before this Assembly. As I have said, Government have kept strictly their previous promises in respect of such matters. They have, as I could show you if I had the time, on occasion, gone a good deal beyond their undertakings, and there is no warrant for the suggestion that Government have gone back on their word, or have any intention of going back on their word, in these matters.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. Deputy President, I do not know whether the phraseology of the Resolution moved by my Honourable friend, Mr. Satyamurti, to whom, even for the brief while that he was able to speak, it was such a great pleasure, to listen, carries out the objective which my Honourable friend has in view. If the Resolution means that before an agreement is concluded with the United Kingdom the Government of India should take this House into their confidence, place the main lines of the agreement for its approval and then go back and negotiate its final stages, then, Sir, the position both from the constitutional and practical point of view is absolutely impossible, I shall not attempt to follow my Honourable friend, Mr. James, in his exposition of the constitutional position. He has placed that very clearly before this

[Sir H. P. Mody.]

House and I have nothing to add to it except to say that I am in entire agreement with it. I would like however, to add to that exposition and say that apart from any constitutional disabilities and difficulties there are many practical objections to the course suggested in this Resolution. It is impossible that an agreement can be negotiated either with an individual or with a Government with 144 people taking part in it. 144 people are probably wiser than 4 people and entitled to more weight, but in matters of negotiation 144 people are not exactly the right or proper machinery. Now, unfortunately as the Resolution is worded, a great deal of play has been made with its wording and difficulties have been raised and it has been pointed out that the course suggested by my Honourable friend is impossible. The arguments unfortunately advanced in support of the Resolution are equally open to objection. I do not think in fairness to the Government of India that they can be accused in this matter of having any ulterior motives. Let us consider what they have done on this occasion. At the time of Ottawa, one of the main objections raised to the agreement was that it was negotiated by people who are not in any sense to be regarded as the representatives of India or of its commerce and industry. The Government of India on the present occasion seem to have gone out of their way to pick out as their non-official advisers those very people who were the loudest and the most insistent in their denunciation of the old Ottawa Agreement, and who from the positions which they occupy in the commercial life of this country may be regarded as people whose opinions are entitled to great weight. That being the case, I do not think that it is possible or it is fair to charge the Government of India with negotiating this agreement with a bias in favour of Great Britain.

Having said this, I want to know from my Honourable friends on the Government Benches what possible objection there could be if after the conclusion of the agreement it is placed before this House for its ratification or denunciation as the case may be. It may be that that is a course which is not ordinarily pursued. It is certainly true that in Great Britain, for instance, apart from one or two instances, such a course is not permissible to the Mother of Parliaments. It is not permissible for the simple reason that Parliament seldom gets any treaty placed before it either for its ratification or its denunciation. So, it is not possible for them to say anything about it, but Parliament has got a remedy, and that is to throw the Ministry in power out of office. That remedy is denied to this Legislature and there are various implications arising out of that with which I shall not deal. I am not urging that there are precedents for the course of action that I am suggesting. I am merely saying that I for one do not see why the course of action adopted at the time of the original Ottawa Agreement should not now be pursued. After all in spite of the fact that this Opposition is irresponsible, that the Government owes no obligation to it, the Government went out of their way to take the vote and the decision of this House on the merits of the Ottawa Agreement. On the present occasion I submit that they are in a much stronger position. They will have for their backing the opinions of some of the biggest people in the commercial and industrial life of India, and while it may be that this House often acts irresponsibly because it has got no responsibility on this particular occasion, if it has such opinions before it, I doubt very much whether it will take an irresponsible view. I would like in this connection to draw the attention of my Honourable friends to the Resolution which was passed by this Assembly at the instance of my Honourable friend, Mr. Jinnah; I have just looked

up the terms of that Resolution and the final injunction to the Government of India is that when they have negotiated any treaties or engagements with Great Britain and other countries they should bring them up before this House for approval or disapproval. I grant that this Government is not bound to do so. I grant that there may be technical objections to doing so. I also grant that Government have given no sort of undertaking with regard to that part of the Resolution, to which of course they cannot possibly by the constitutional position, be committed, but the viewpoint of the House is there. That viewpoint, fortunately or unfortunately, was allowed to prevail with regard to the agreement itself. The House was allowed to denounce that agreement, and to make its denunciation effective, and in view of that I submit that the Government would be well advised to take note of the recommendation of the House that if an Indo-British Trade Agreement is negotiated it will be submitted to the approval of this House. There is a precedent on this very issue, and I submit that it might well be followed even when the Government of India take up a position which constitutionally may be perfectly proper.

Mr. M. A. Jinnah: Are the Government prepared to do so?

Sir H. P. Mody: I would like to ask my Honourable friend whether he is prepared to give an assurance of that nature. Mr. Dow just now stated that the agreement would be in effect before the House, because if the agreement involves the raising of duties, that could not be effectuated without the decision of this Legislature. That is perfectly true, but it may also be true that the agreement which may be brought up in that way might only place before this House a very small aspect of the whole case.

I would not like the Government to forget that there is a political aspect to the agreement which has unfortunately dogged its footsteps right from the commencement. I have never subscribed and will never subscribe, to that political view of things but there is a political cloud that hangs over this agreement, and that makes it all the more necessary that the Government of India should throw upon the House the responsibility of saying whether it wants an Indo-British Agreement or not. Don't make this House even more irresponsible than it is under the Constitution. Let the House, for once, in a matter which is of vital importance to the trade of this country assume to itself the full responsibility of saying whether it will or will not enter into an arrangement with Great Britain. Why should the Government of India assume the full responsibility? And I submit to my Honourable friend, Mr. Dow, the desirability of considering and,—if possible,—of assuring this House that while the Resolution in the terms in which it is moved is unacceptable to Government, and unacceptable to other sections of the House, Government are willing, when the agreement has been concluded, to place it before this Legislature for ratification.

Babu Baljnath Bajoria (Marwari Association: Indian Commerce): Sir, I rise to support this Resolution. This is a very simple Resolution which only wants that any agreement relating to trade between this country and any other country, and particularly the Indo-British Trade Agreement, which is under negotiation at the present moment, should before being concluded be discussed in this House so that the Government of India may be in a strong position to say that the representatives of the country are with them in this agreement. This is a simple matter in which they

[Babu Baijnath Bajoria.]

should agree. As regards my Honourable friend, Sir Homi Mody's statement, that it is not practicable, I cannot follow him there. He gave as an example the procedure in the United Kingdom where Parliament is not consulted in these matters. But at the same time he made it clear that the Ministers there are responsible to Parliament which appoints them. If they do anything which Parliament does not afterwards ratify they will have to resign and lose their seats; but, unfortunately, the same procedure does not apply to the present Government in this country and they are not at all responsible to the Legislature. We have denounced several of their actions and agreements, e.g., the Ottawa Pact and the Sugar Convention, etc., but our Resolutions have been safely put under lock and key in the almirah, without any action being taken on them. In my opinion there is no difficulty in placing this agreement before us which they are about to conclude so as to give the outlines and general principles of that agreement. All of us, 140 Members, do not want to sit at a round table conference with the representatives of the other Government; but we want only to be consulted as to the general outlines and the form of the agreement. And I think this can be easily done. Then, if they have the agreement ratified by this House it will only strengthen their hands and arm them with the verdict of the representatives of the whole country.

Another thing is this. Government in their negotiations about trade agreements at present are following the very sound practice of having non-official advisers. Even in these Indo-British Trade Negotiations there were many non-official advisers, both Indians and Europeans. As far as I am aware, they were all unanimous as to the lines on which this trade agreement should be concluded with the British Government. I should like to know the present position as regards this agreement. I know all efforts of my Honourable friend, Mr. Manu Subedar, have been fruitless and I will fare no better and will not be able to get one word from Mr. Dow. But why have we been kept in this darkness? Negotiations have been carried on for several months but still no agreement has been reached. We should like to know where the shoe is pinching. There is great uncertainty in trade over this matter and the sooner the air is cleared, the better for all concerned.

As to the Japanese Trade Agreement, I should like to refer to one point about the exclusion of the small cottage industries in spite of the repeated protests from the Indian commercial community and, I am told, against the unanimous advice of the non-official advisers in regard to that agreement. I understand the reason for this exclusion was that on account of the present Sino-Japanese war the imports from Japan of these goods have come down and the prices have gone up, and so the Indian industries do not require the same amount of protection. In my view the facts are otherwise. Imports of these goods from Japan have shown no signs whatever of any decrease in spite of the war. The Japanese are very cunning and shrewd business people. Of course, they are taking much less exports from India, but the imports are coming in the same quantities and as freely as before. As to the South African Trade Agreement, that has also been criticised by Indian commercial interests, specially from Bombay which has got more business dealings there probably than other parts of the country have. Sir, I should like Government to place all the facts before the House before definitely concluding trade agreements with foreign countries. I support the Resolution.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, I support the Resolution. When my Honourable friend, Mr. James, got up and said that an appeal coming from Mr. Satyamurti must be sympathetically considered and he showed a desire to meet the wishes of the Opposition, I thought that for once his heart had melted. Then he pleaded helplessness. He said that the Executive is not responsible and they cannot accept the verdict of the House. We wish that we could do so, but we are helpless. I was then reminded of a scene in the Court. A magistrate had made up his mind to convict the accused. The case was a hopeless one but somehow for some consideration the magistrate had made up his mind to convict. The accused was, of course, a respectable rich man. When he had to pronounce the judgment, the magistrate said: "Look here, I have passed a sleepless night: I have gone through the file and I found myself in a helpless position. There is nothing in your case and I must convict you and sentence you to one year's rigorous imprisonment". The accused said: "You can convict me and sentence me and I can undergo jail. But do not stage this farce and do not shed these crocodile tears and do not have any sympathy with me". This is what Mr. James has done. He can never sympathise with us because he is a partner in this exploitation. He can never support our cause.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): He is a senior partner.

Mr. Sham Lal: Of course, he is a senior partner and he would go one step further so far as these commercial matters are concerned.

An Honourable Member: Give us another story.

Mr. Sham Lal: If you want another story, then I remember the case of a priest. The priest went to the house of a poor man and he was offered rice and sugar. The priest in all solemnity said: "You are a poor man and I do not want to take this rice. Your children should take it. But so far as your spiritual interests are concerned, in the name of God I must take it". So is Mr. James. He feels for Indians; he wants that we should know the terms of the agreement, but in our spiritual interests and in order to keep up this responsibility and this great burden on himself, he must reject our case. That is his position. You will not make us responsible, and if we are to put the question to you: "When are we going to have responsible Government in India and when are we going to have the Federation?", you only tell us that some astrologer will tell us. Then we say: "So long as the Federation is not established, hear us with regard to commercial matters". The reply is: "How can we accept the verdict of this House and give up our responsibility". This vicious circle would never end. You can give a fresh lease of life to the Ottawa Agreement and you may not introduce responsible Government and then you say: "We are simply helpless". My submission, therefore, is that there is no question of argument. The only argument that is advanced on behalf of the Government or by Members like Mr. James is the argument of the naked sword. Nothing else.

Then, Sir, it is said on behalf of the Government that no assurance was given. Of course, this Resolution was not before the House in 1936, but I think the assurance is quite definite and in this connection I will read

[Mr. Sham Lal.]

to you the speech of the Honourable Mr. Jinnah. I think his works of 1936 were prophetic. Now, what did Sir Muhammad Zafrullah Khan say? He said:

"With regard to several matters, a complaint has been made or expression has been given to the feeling that, however seriously the House might consider a problem, there was always a sense of unreality relating to the proceedings of this House inasmuch as, with regard to most matters of importance, the final decision rests with an executive which is not responsible to the House and which is not removable by the House when it fails to carry out any decision of the House. I am merely indicating that it is the feeling with regard to many matters that come up for discussion before this House. With regard to this particular matter. I may observe that as the House is already aware, having regard to the proceedings that have taken place previously in connection with the Ottawa Trade Agreement and having regard to the undertakings given by Government that the House is responsible so far as the question of this trade agreement is concerned and that Government is responsible to the House with regard to this trade agreement in the sense that Government have undertaken that, in case the House comes to a decision after reviewing the working of this agreement for the first three years that the agreement is not in the interests of India and it calls upon the Government to give notice of termination under Article 14, the Government would be bound to give such notice."

Of course, the Ottawa Agreement was then before the House, but so far as the trade agreement is concerned, the assurance was given that the Government was responsible to the House. Then, what did Mr. Jinnah say? He knew how far this responsibility was real and he also knew that it was only a snare for capturing votes. He said:

"On the 26th of this month, in the morning, another Member speaking on behalf of the Government said: 'This Assembly, in accordance with the obligation undertaken by the Government is now transformed into a completely responsible Legislature, and whatever decision the Assembly gives, the Government will accept it.' Sir, this Legislature is going to continue its responsibility, which commenced on the 26th instant until the 30th instant at 5 o'clock, or, to be more accurate, until the division is taken. After that, where will this responsible Legislature find the Government which is responsible to it? It will be again the Government which has got its body in Delhi or Simla, the Government which has got its soul or heart in a well-known street called Downing Street in the vicinity of Whitehall, and a Government which has got its head in Westminster."

That is the Government and no arguments can prevail. Of course, for some time they would call it a responsible Legislature and they would say that they would abide by its decision. Then the argument will be advanced: "Oh, that was with regard to the Ottawa Agreement: it had nothing to do with the present Indo-British Trade Agreement". If it could hold good with regard to the Ottawa Agreement, why can't it hold good with regard to the Indo-British Agreement? Then a very pertinent question was put by Mr. Jinnah: "Then, what is your fiscal autonomy?" Supposing you conclude the agreement and the Legislature by its Resolution rejects that agreement, what would you do? If this Legislature is to be ignored, then where is the question of fiscal autonomy? Sir, the position is this. The fiscal autonomy is this that when the Government of India and the Legislature agree, the Secretary of State for India will not interfere. Now, there must be a stage when the Government of India and the Legislature should consult each other and should see whether they differ or agree. But if you do not bring the agreement before the House, where will be the occasion for the Government of India and the Legislature to agree? There can be no question of fiscal autonomy where there is responsible Government because in that case the elected representatives, the Ministers of that Government, would go and conclude the agreement and the Legislature might accept it or reject it. But in that

case you will have authorised agents. In the present case, the unauthorised agents go and conclude agreements on our behalf and when we ask them what are the terms of those agreements, they tell us that we have no voice in the matter because they are the unauthorised agents and, therefore they are at liberty to conclude any agreement they like. That being the position, I say that fiscal autonomy means nothing. If that was so, how was it that, when the Ottawa Agreement had been entered into, it was placed before this Assembly? If the Government is responsible, why has it not placed it before this House even now? What we want is that the agreement should be placed before the House and we should be given an opportunity to express our opinion on it. We should also know what opinion the non-official advisers gave. What we want is that before it is concluded we should have our say. If you do not agree to this, then it is simply a farce.

My own idea is that, as a matter of fact, the Government knows that it would not be a just agreement, because so far as the Government of India are concerned, it is a subordinate Government and a subordinate Government must look after the interests of Lancashire and Manchester. It cannot expose itself and, therefore, it cannot place that agreement before this House for discussion. You may as well ask the thief to wake up the owner of the House before he commits burglary. He is not going to do it. We know that the agreement is going to be unjust to India. There is a great propaganda going on in England about it. Even the *Times* has gone to this extent in its issue dated the 17th December that the Legislative Assembly should not be consulted. That is the position. Not because it is an irresponsible Government taking advantage of their own irresponsibility and not placing the thing before us but because we know for certain that the agreement must be in the interests of England and not in the interest of India. Therefore, the position is quite clear. It would be better if the Government say: "previously we committed a mistake when the Ottawa Agreement was placed before the Assembly. We thought then that the House would accept it. But now as the Congress Party have come into this House, and since we are not sure of our position, we cannot place this agreement before the House". The Honourable Sir Muhammad Zafrullah Khan in all seriousness said that if the Committee was not accepted serious consequences would follow. We were led to believe that as soon as the vote of the House was recorded the agreement would be terminated. But what do we find? The Government found out some loophole and they have given fresh lease of life to the Ottawa Agreement. They are carrying on negotiations for the past several years and they have kept the Ottawa Agreement effective, in spite of the denunciation by this House. What else did they do? They have given a five per cent, reduction of duty on the British textiles. I submit that there is really no intention to respond to the wishes of the House. They are doing what Hitler and Mussolini are doing in Europe. Lord Halifax said: "So far as England is concerned, we will have democratic institutions and we would support them, but so far as other countries are concerned, we do not mind".

Sir, the position is this. It is due to this policy that the prestige of the British Government has been reduced to the lowest ebb. Certainly now you have an army in India. You may carry on in this way. But how

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long will you flout Indian public opinion? If the agreement is really fair, it will be accepted by the House. Supposing the agreement is mutually advantageous to both countries, where is the difficulty in placing it before the House?

My Honourable friend, Babu Baijnath Bajoria, accused the Congress Party of entering into unholy alliance with the Government. What has been the policy of the Congress Party? With regard to certain measures which were really advantageous to the country, the Congress Party never hesitated to take the side of Government. They were not opposing the Government for the sake of opposition and this attitude of the Congress Party has been characterised as unholy alliance. I think that the whole House is prepared to consider the agreement on its own merits. But when you know that the agreement is bound to be unjust, you do not want a dispassionate consideration and, therefore, you do not like to place it before the House.

Dr. F. X. DeSouza (Nominated Non-Official): Mr. Deputy President, as one engaged in an industry which has suffered irretrievable damage as a result of the Ottawa Agreement, I claim the right to intervene in this debate. I am thankful to you, Sir, that I have caught your eye at the right time. My Honourable friend, Mr. James, in making his speech, which I may be pardoned for saying so, was a brilliant piece of special pleading, stated that it was difficult for him to resist an appeal *ad misericordiam* made by my Honourable friend, Mr. Satyamurti. I do not know exactly what he meant by that. I hold no brief for my Honourable friend, Mr. Satyamurti, but so far as I have known him in this House, he certainly never appealed to the mercy of anybody. He never asked for any quarter, nor does he give any quarter. He asks for the vote of the House not as a matter of clemency, but on the strength of his case which he or his adherents have put forward before this House. Mr. James returned his co-called appeal *ad misericordiam* by appealing to what I may call *argumentum ad baculum*, viz., the bludgeon one clause in the Government of India Act, 1935. He said that here the Government is not a parliamentary executive. It is not a responsible Government. This House has no right to ask that the decrees and mandates of this House should be agreed to by Government and that in doing so, you are merely kicking against the pricks. Well, Sir, as a statement of the constitutional position under the Government of India Act, 1919, that may be a perfectly true proposition; but, I would respectfully ask him whether as an enunciation of the policy under the present circumstances, is either politic or reasonable? My Honourable friend, Sir H. P. Mody, in his speech climbed down from this position no doubt under inspiration from high quarters.

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

He said that, whatever may be the constitutional position, it is only right in the present circumstances that the Government of India should place whatever agreement may be concluded before this House for its ratification. Sir, that, in my humble opinion, is exactly the correct position. For, what has the Government of India done in regard to this agreement? What is the history of these negotiations? What is the history behind the passage of this agreement through this House? Both Sir Joseph Bore and Sir Muhammad Zafrullah Khan solemnly promised that

they would abide by the decision of this House. They said that if he said that if the House decided to denounce the agreement, the Government would forthwith denounce the same. If the House decided to ratify it, the Government would do so. In other words, this is a case where the doctrine of fiscal autonomy necessarily came into play. Whatever happens there was going to be an agreement between the House and the Government of India. If so, is it not a case in which the doctrine of fiscal autonomy which has been in practice for many years and which has been solemnly propounded by the Secretary of State and accepted, is it **not** a case that that doctrine should be given effect to? Do Government claim the right to face this House with an accomplished fact, to conclude an agreement in the dark behind the scenes with the British Government and say, "Here is a trade agreement which we have concluded, ratify it." That, Sir, is not the idea of fiscal autonomy as I understand it. Therefore, Sir, I submit that, whatever may be the practical difficulties—I agree there are practical difficulties in taking us into confidence in regard to every item in the agreement before it is concluded, if any agreement is concluded at all, but yet by virtue of what has gone on previously and by virtue of these protracted negotiations, it is the duty, the bounden moral duty, of the Government of India to place the agreement, when it is arrived at, before this House for ratification. That, Sir, is what I wish to say and I respectfully commend that the Government of India accept this Resolution.

Mr. M. A. Jinnah: I wish to intervene in this debate because this is a question which is of very great importance not only to us on this side of the House, not only to the commercial world in India, but I think it is of vital importance to Government also. Sir, in the first instance I congratulate the Government that according to their promise, as they gave us, of fiscal autonomy during that brief period which ceased as soon as the division was taken, that very brief period during which this Assembly enjoyed complete responsibility and passed a Resolution asking the Government to terminate this agreement, they terminated it. I think I must congratulate the Opposition Bench here and I congratulate the Government on that side that for a brief period of three days we did enjoy complete responsibility, and our decision was carried out, namely, that the Ottawa Agreement be denounced.

Well, Sir, I do not wish to embarrass the Government in the slightest degree, but I do not approve of what they have done since, of how matters have been delayed and so forth. That is past history, and I do not wish to embarrass the Government in the slightest degree. We have got this Resolution tabled in terms which it becomes very difficult for one to defend having regard to this hybrid Constitution under which we are working. The Resolution demands that before the agreement is concluded it must be placed before this House. Now, to that Sir Mody, as a practical businessman and from the constitutional point of view, raised two points. He says from a practical point of view it is very difficult really to carry on negotiations if we have to bring the draft terms before 144 Members, and that is not the way to carry on negotiations. From a practical point of view that is sound. The Government bring forward the additional ground—I suppose because even the Government adopted a practical point of view—how can we possibly really divorce ourselves from our responsibility, because after all the responsibility is ours, and you are only an

[Mr. M. A. Jinnah.]

irresponsible Opposition, how can we divorce ourselves from our responsibility to conclude an agreement, and therefore we must conclude the agreement. Under a truly democratic parliamentary Government no doubt the parliamentary executive would be entitled to conclude an agreement. but the difference between the present Government under the present Constitution and a parliamentary executive government is a very vast one. A parliamentary executive government no doubt will be free to conclude any agreement with any other country, but they will take precious good care to see that whatever agreement they do conclude will receive the approval of the Legislature. You do not do that. Have you taken any single person into your confidence? No. These negotiations are a close secret. but here again I want to give the due to the Government when they deserve it. They have at any rate appointed a non-official Committee of influential responsible businessmen, and no doubt they are taking their assistance and their help. But, Sir, that may be, and that would happen in any country, even a parliamentary executive will naturally be in touch with those vital interests which will be affected by any agreement that they may conclude. Therefore, there is nothing very extraordinary that you have done. But the position remains this: whereas fiscal autonomy—now the Honourable Member on behalf of the Government said that fiscal autonomy comes in when the Government and the Legislature agree. It is a very sound interpretation. But may I ask Government when shall we have the opportunity of agreeing with you or disagreeing with you? This will be when you say to me you are going to conclude an agreement. We had an opportunity of expressing our opinion whether the Ottawa Agreement should be terminated or not, and we exercised our judgment. We said it should be terminated. Now, when shall we have that—shall I say ephemeral, illusive thing, that *il dorado*—fiscal autonomy under which we shall meet together and have an opportunity to say that we agree with you or disagree with you. The Honourable Member says that with regard to the Ottawa agreement the Statute regulating tariffs and customs is there, and he said that Government cannot possibly help coming to this House if they want to increase the measure of protection which is provided under it.

Mr. H. Dow: Measure of duty.

Mr. M. A. Jinnah: That is to say of increasing it.

Mr. H. Dow: I only intervened, because there is a difference between protective duties and other duties; Government can either increase or decrease protective duties without legislation. I am not objecting to the Honourable Member's meaning, but I am only trying to prevent him using the word "protection" in a sense in which it may be misunderstood by others in the House.

Mr. M. A. Jinnah: I understand the Honourable Member. My point is this. I am not concerned with the question of increasing or decreasing duties at present. My point is this—that in certain eventualities the Government will be obliged to come to this House for the purpose of a legislative measure being enacted. Am I right to that extent?

Mr. H. Dow: Yes.

Mr. M. A. Jinnah: Then this House will have the opportunity. I ask the Honourable Member whether he is really making a concession to this House. No. Then, may I know what was the force of that point, the object of it? We all know it: if you are going to enact a legislative measure you have to come here. Is that what we are now discussing, whether you will come here when you require any legislative measure or not? What has that got to do with the issue? The real issue is this. It is very unfortunate that, situated as we are and following this hybrid Constitution which is neither fish nor fowl nor good red herring, taking all that into account and without giving my seal of approval, I think the Government in all reason ought at any rate to assure this House while maintaining on the whole that they cannot come to the House before an agreement is concluded—although I do not approve of it, I can understand that position—while you can take up that position, but if you go further and take up the position that even after you have concluded the agreement you are not coming to this House except, as the Honourable Member indicated, when a legislative enactment is necessary—that is a position which is a most unreasonable position for the Government to take; and it is not only unreasonable but you will justly and rightly create the impression and give room for people to believe that there is some hanky-panky that is going on behind this; and even if you conclude an agreement which may have a 50-50 chance to go through this House, if you create this atmosphere, believe me you will never succeed in getting the agreement through, if you poison the atmosphere by this attitude.

What is the obstacle in your way? Why are you trying to add to the suspicion which is already being created? What is the obstacle to say frankly and freely on the floor of the House "In the circumstances we are entitled to conclude this agreement and we will do our best in the interests of India"? If that agreement is fair and reasonable to both parties, even the Honourable Member speaking on behalf of the Congress said that this House will meet that reasonable attitude. I think I cannot go further than the Honourable Member who spoke on behalf of the Congress, and as far as I am concerned that has been my position always and will remain always, unless you also drive me into the wilderness. My position is this: that you as a responsible or irresponsible Government—we say you are irresponsible, you say you are responsible and not only responsible but trustees of India and you are responsible to the Parliament and to the Secretary of State and goodness only knows who else, but you are not responsible to us—but whatever your character and constitution may be, are you really going to enter into an agreement as a decent Government which can be maintained to be fair and reasonable to both countries? If you are, then what have you got to fear? Of whom are you afraid? Of what are you afraid? You may say "Well, what we may consider reasonable the House may not consider reasonable". Now, you will be judged if not at that moment a little later on when the dust of controversy is laid: you will be judged then, and please do not think that this country is entirely composed of people who have got no brains, who have got no intelligence and no reason. As I say, speaking for myself, believe me and I mean it—if your agreement is a reasonable and fair one to both the countries, I shall

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certainly in the interests of my own country have no other choice or alternative but to support it. But surely it is not too much to ask the Government to reassure this House, on the floor of this House today, that while they may claim the entire and the sole responsibility for concluding this agreement they should reassure us that once the agreement is concluded they will place it before us for our consideration. Once you place this agreement before the House, whatever Resolution we may pass—and we can only say we approve of it or disapprove of it or we may suggest some amendments—I cannot think of any other course—and you again as a responsible Government are not bound to take any notice of it. But you have at least satisfied this one condition, which you can without any harm or injustice to anybody, without anything being taken away from you. Reassure this House and reassure public opinion that after the agreement is concluded you will place it before the House for disapproval or approval as the House may consider proper. What is the difficulty in your way? Why should you refuse that? Therefore, if the Government are ready and willing to say that they will place this agreement after it is concluded for the approval or disapproval of this Assembly—and that is the Resolution which this Assembly passed in denouncing the Ottawa Agreement, that is the verdict of the House also if you do not today even meet us to that extent, then believe me that you will be doing the greatest possible harm to yourselves and you will poison the atmosphere in the country, and you will confirm the rumours and allegations and the suspicion that are already abroad; and, therefore, I would beg of you to give this assurance to the House and you can do it and there is nothing wrong in it.

Honourable Members: The question may now be put.

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

“That this Assembly recommends to the Governor General in Council that no steps should be taken to conclude a fresh Indo-British Trade Agreement or any trade agreement of a similar nature without first consulting the Assembly.”

The motion was adopted.

RESOLUTION *RE* DECLARATION OF BIRTHDAYS OF GURU NANAK AND GURU GOVIND SINGH AS PUBLIC HOLIDAYS.

Sardar Mangal Singh (East Punjab: Sikh): Sir, I beg to move:

“That this Assembly recommends to the Governor General in Council that the birthdays of Guru Nanak Dev Ji and Guru Govind Singh Ji be declared public holidays throughout India under the Negotiable Instruments Act.”

Sir, in moving this Resolution I may not detain the House for a long time. The wording of the Resolution is clear. I want the Government of India to declare these two days as holidays under the Negotiable Instruments Act. At the present time the position is that in the list of holidays these two holidays are not mentioned. The explanation given in the Negotiable Instruments Act is this:

“The expression ‘public holiday’ includes Sundays: New Year’s day, Christmas day: if either of such days falls on a Sunday, the next following Monday: Good Friday; and any other day declared by the Local Government, by notification in the official Gazette, to be a public holiday.”

Now, Sir, if a Local Government declares any holiday under this Act then it is observed as a holiday under this Act. At present in many provinces these two holidays are not observed as public holidays. It is true that power is given to the Provincial Governments and they can notify in the local official gazettes, but my difficulty is that except in the Punjab and the North-West Frontier Province, there are no Sikhs representatives in any Provincial Legislature and, therefore, they cannot persuade the Local Governments to declare these holidays as public holidays. Last year at the time of the birthday of Guru Govind Singh, I happened to go to Patna Sahib and although this is celebrated all over the province there and the Hindus also join the celebrations, it is not a public holiday there and the Sikhs of Patna and Bihar province asked me to take up this question with the Government of India and ask the Government of India to declare these two holidays under the Negotiable Instruments Act, and that, Sir, is my justification for coming here before this Honourable House and requesting the Government of India to take action under this Act. I hope that the Government of India would take a sympathetic attitude and would not put forward any excuses that the Resolution is not properly worded, and that they would come to my help and declare these two public holidays. This act will be welcomed all over the country by the Sikhs. With these words, I move my Resolution.

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

"That this Assembly recommends to the Governor General in Council that the birthdays of Guru Nanak Dev Ji and Guru Govind Singh Ji be declared public holidays throughout India under the Negotiable Instruments Act."

Mr. E. Conran-Smith (Government of India, Nominated Official): Sir, it will perhaps help Honourable Members of this House to appreciate the implications of the Resolution moved by my Honourable friend, Sardar Mangal Singh, if I state the present position as regards holidays and indicate the policy of Government in the matter, with a little more detail than my Honourable friend has given. Sardar Mangal Singh has pointed out quite correctly that power is at present vested in Provincial Governments to declare holidays under the Negotiable Instruments Act. Under that Act as amended by the Adaptation of Laws Order, the Central Government can declare a day a public holiday but under the provisions of the Transitory Provisions Order, Provincial Governments are empowered to notify holidays under the Act for a period of one year from the 1st April, 1937. The policy of the Government of India in the past has been, and still is, to leave it to Provincial Governments to declare general holidays, taking into account the particular circumstances of each province, and in particular circumstances I would include the number of members of a particular community residing in the province. If, as my Honourable friend stated, there were no Sikhs or practically no Sikhs in a particular province, what is the need for the Government of India to force a holiday on that province?

Sardar Mangal Singh: I mean to say that there are no Sikhs in the Legislatures of the provinces—not in the country outside.

Mr. E. Conran-Smith: But the inference was that there were not many Sikhs in that particular province. That being so, there is no case for the Government of India to declare a general holiday in that province on the birthdays of Guru Nanak and Guru Govind Singh. I have stated that it is

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the policy of the Central Government to leave it to Provincial Governments to declare general holidays and accordingly the Government of India propose to delegate power to Provincial Governments when the period fixed in the Order in Council has elapsed. It has not been the policy of the Government of India to declare general holidays throughout India except in a few exceptional cases and there is no reason to make any departure from that policy.

The position at present as regards holidays is that in the Government of India Secretariat and in Attached Offices there are altogether 13 closed holidays of which four are general holidays throughout India. There are also six communal holidays. Out of these holidays, Guru Nanak Dev's birthday has been declared a closed holiday, and a communal holiday is also given to Sikhs on the birthday of Guru Govind Singh. In the case of the offices of the Government of India which do not move, that is, non-migratory offices, the local practice is followed, and the holidays declared by the Punjab Government are observed. That Government has declared both these days to be holidays.

My Honourable friend's Resolution makes two recommendations. One is that the existing closed holiday on the birthday of Guru Nanak Dev should be declared a public holiday throughout India. The second recommendation is that the birthday of Guru Govind Singh which is at present a communal holiday should also be declared a public holiday throughout India. There would, I think Honourable Members of this House will agree, be no point in declaring these days to be general holidays in provinces where there are not a considerable number of Sikhs residing. That, I think, is one objection to the Honourable Member's Resolution but there is another objection and it is this. The effect of this particular Resolution, if accepted, would be that Sikh holidays and not the feast days of other communities, would be declared general holidays throughout India. I feel that is an important point which possibly Honourable Members of this House would not appreciate in the light of the remarks made by my Honourable friend, Sardar Mangal Singh.

I submit, Sir, that in the circumstances no case has been made out for a departure from established policy and for making an exception in the case of one community as regards general holidays, and that the House should have no hesitation in rejecting this Resolution.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Will the Honourable Member tell me if these two days are general holidays in Sind?

Mr. E. Conran-Smith: I am afraid I have no information as regards Sind. I imagine it depends on the number of Sikhs there are in Sind.

Mr. Lalchand Navalrai: Yes, there are many Sikhs there.

Mr. E. Conran-Smith: Then the Honourable Member is at liberty to move the Provincial Government to declare a holiday in Sind, if they have not already done so.

Sirdar Sant Singh (West Punjab: Sikh): Sir, I listened very carefully to the reply of the Honourable Member on behalf of Government to this modest Resolution. The main point made out is that these two holidays relate to communal matters and as such when the number of members of that community is very small in a particular province, a case has not been made out

why these two days should be declared closed holidays for the whole of India. At the same time the Honourable Member has given us the views of Government in giving power to the Provincial Governments to declare public holidays under the Negotiable Instruments Act in provinces where the number is large enough and admits of this claim. I wish to point out in reply to my Honourable friend's arguments that I think he agrees with us that for Sikhs these two days are very important and holy; and this demand is not based entirely upon merely getting a holiday but for the purpose of celebrating the birthdays of two great Gurus of ours. Having agreed to this point, the next point that remains is how far the Sikhs are permitted to observe these days as holy days and as such are permitted to be away from their public and secular duties. So far as Guru Nanak's birthday is concerned, I understand that it is observed as a public holiday in the Punjab and not in Sind. I have only recently had occasion to preside over the Sind Sikhs' Conference at Karachi and I may tell my Honourable friend that there we passed a resolution requesting the Sind Government to declare these two days as public holidays under the Negotiable Instruments Act, not for Sikhs alone but for the whole province because the percentage of Sikh population in Sind is very high. Though many of them are sahajdhari Sikhs, they are believers in the teachings of the ten Gurus. Therefore in drawing the attention of the Central Government through a Resolution in this House we are practically drawing the attention of the Provincial Governments to this great demand of the Sikhs on this point.

The second point is that in those areas which are administered by the Central Government, like the Delhi Province, we have often heard the complaint coming from the Sikh employees of Government that though, on paper, they are given this option to remain absent on these two days, in practice the difficulty is that through overwork or the work remaining in arrears and all such considerations the employees cannot enjoy these days as holidays. Therefore, so far as the Central Government is concerned, we would request the Honourable Member that in Centrally Administered Areas the Guru Govind Singh's birthday should as well be declared as a public holiday.

As regards the point that there are only six communal holidays in the list of public holidays, I will draw the attention of the Honourable Member to the fact that if he were to analyse the number of holidays on the communal basis, he will find that there are many holidays which are given to various communities on religious grounds only. Looking to this Government of India's closed holiday list we can divide them into holidays for Christians, Hindus, Muslims and Sikhs. It does not include any Sikh holiday except Guru Nanak's birthday. I do not grudge my sister communities their holidays, but I surely want to draw the attention of Government to the importance attached by the Sikhs to the birthday of Guru Govind Singh which generally falls in the beginning of January or the end of December, according to the movements of the moon. Therefore, to say that this holiday cannot be granted is something which is not very encouraging to this side of the House. We know that we in this House are in a very great minority. It will be no good dividing the House on this issue but at the same time we want to tell Government that the Sikhs are very serious about this holiday being declared under the Negotiable Instruments Act. In order to emphasise this I may point out, and my Honourable friend probably knows it, that a similar Resolution has been tabled in the Upper

[Sirdar Sant Singh.]

House as well and will be discussed on the 4th of this month. So I may say that to whatever political views the Sikhs may belong, on this point they are agreed that Guru Govind Singh's birthday should be declared a public holiday. Sir, I would request Government to give more sympathetic consideration to this question than appears from the statement of my Honourable friend.

Mr. Lalchand Navalrai: Sir, I wish to intervene in this debate. I think there are Sikhs, Khalsas as well as Sahajdharis, in every province in India and when the Government of India Adaptation Rules give power to the Central Government and the Central Government is giving away that power to the provinces, I cannot understand why, in a common matter like this where I think in almost all provinces attempts will be made for these two holidays to be declared as general holidays, the Government of India should not act itself. I submit that if an inquiry is made from the provinces it will be found that there are Sikhs all over the country. I submit, therefore, that instead of only recommending to the Provincial Governments or showing the desire on the part of the Central Government to agree to such a demand, which is a reasonable demand, it would be better if the Government of India themselves take up this matter in their own hands and accept the Resolution.

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

"That this Assembly recommends to the Governor General in Council that the birthdays of Gurn Nanak Dev Ji and Guru Govind Singh Ji be declared public holidays throughout India under the Negotiable Instruments Act."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th April, 1938.