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THE LEGISLATIVE ASSEMBLY DEBATES

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(8th August to 25th August, 1938)

EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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CONTENTS.

VOLUME IV.—8th August to 25th August, 1938.

	PAGES.		PAGES.
MONDAY, 8TH AUGUST, 1938—		TUESDAY, 9TH AUGUST, 1938—	
Members Sworn	1—2	Starred Questions and Answers	145—91
Starred Questions and Answers	2—40	Unstarred Questions and Answers	191—92
Unstarred Question and Answer	40—41	Motions for Adjournment <i>re</i> —	
Statements laid on the Table	42—109	Condition of Indian Labour in Malaya—Ruled out of Order	193
Motion for Adjournment <i>re</i> appointment of a Non-Indian as Superintendent of Insurance—Negatived	109—14, 123—44	Recommendations of the Wedgwood Committee—Held over	194—96
Governor General's assent to Bills	114	Publication of the Report of the Tariff Board on Sugar Industry—Ruled out of order	196—98
Statements laid on the Table <i>re</i> —		Increase in the Indian Defence Charges—Adopted	198, 224—46
Net Earnings of certain newly constructed Railway lines	114—19	The Control of Coastal Traffic of India Bill—Recommitted to Select Committee	198—207
Notification prohibiting the emigration of Unskilled Labourers from the Madras Presidency to Malaya	120	The Code of Criminal Procedure (Amendment) Bill (Amendment of section 167)—Referred to Select Committee	207—24
The Motor Vehicles Bill—Presentation of the Report of the Select Committee	120	WEDNESDAY, 10TH AUGUST, 1938—	
The Criminal Law Amendment Bill—Introduced	120	Starred Questions and Answers	247—93
The Indian Cotton Cess (Amendment) Bill—Introduced	120—21	Unstarred Question and Answer	293
The Indian Emigration (Amendment) Bill—Introduced	121	Statements laid on the Table	293—96
The Indian Aircraft (Amendment) Bill Introduced	121	Motions for Adjournment <i>re</i> —	
The Indian Oaths (Amendment) Bill—Appointment of Mr. N. A. Faruqi to the Select Committee	121	Recommendations of the Wedgwood Committee—Not moved	297
The Prevention of Cruelty to Animals (Amendment) Bill—Referred to Select Committee	122	Arrest of a British Subject by the Dewan of Tehri State—Disallowed	297—99
		Resolution <i>re</i> appointment of an Enquiry Committee for the Broadcasting Department—Negatived	300—42

	PAGES.		PAGES.
FRIDAY, 12TH AUGUST, 1938—		TUESDAY, 16TH AUGUST, 1938—	
Starred Questions and Answers	343—81	Starred Questions and Answers	529—65
Unstarred Question and Answer	381	Unstarred Question and Answer	565—66
Short Notice Questions and Answers	382—86	Statement laid on the Table	566—67
Motions for Adjournment <i>re—</i> Situation in Waziristan— Consent withheld by Governor General	386	The Criminal Law Amendment Bill—Discussion on the motions to consider and to circulate not concluded	567—611
Sir Philip Chetwode's reflec- tions on Indian Officers in the Indian Army—Disallow- ed by the Governor General	386	WEDNESDAY, 17TH AUGUST, 1938 —	
Government's refusal to answer certain questions— Disallowed	386—89	Starred Questions and Answers	613—50
Motion <i>re</i> Report by the Honourable Sir John Thom on the cause of the Railway Accident near Bihta—Adopted as amended	389—427	Unstarred Questions and Answers	650—52
Demand for Supplementary Grant in respect of Rail- ways	427—34	Panel on Chairmen	652
MONDAY, 15TH AUGUST, 1938—		Committee of petitions	652
Member Sworn	435	The Criminal Law Amend- ment Bill—Discussion on the motions to consider and to circulate not concluded	652—98
Starred Questions and Answers	435—78	MONDAY, 22ND AUGUST, 1938—	
Unstarred Question and Answer	478	Members Sworn	699
Statements laid on the Table	478—82	Starred Questions and Answers	699—738
Election of two Members to the Central Advisory Board of Education in India	482	Short Notice Questions and Answers	738—43
The Commercial Documents Evidence Bill—Appoint- ment of certain Members to the Select Committee	482	Statements laid on the Table	743—45
The Indian Tea Cess (Amend- ment) Bill—Introduced	483	Motions for Adjournment <i>re—</i> Government of India's refusal to amend certain Pension rules—Disallowed	745
The Employment of Children Bill—Introduced	483	Breaches on the East Indian Railway Lines in the Dis- trict of Murshidabad in Bengal—Ruled out of order	745—46
The Employers' Liability Bill—Introduced	483	Election of two Muslim Mem- bers to the Standing Com- mittee on Pilgrimage to the Hedjaz	746
The Criminal Law Amendment Bill—Discussion on the motions to consider and to circulate not concluded	483—528	The Criminal Law Amendment Bill—Discussion on the motions to consider and to circulate not concluded	746—89

	PAGES.		PAGES.
TUESDAY, 23RD AUGUST 1938—		WEDNESDAY, 24TH AUGUST, 1938	
Starred Questions and Answers	791—838	— <i>contd.</i>	
Short Notice Questions and Answers	838—40	Statement by the Honourable the Finance Member <i>re</i> the deletion of a reply to a supplementary question	924
Unstarred Question and Answer	840	The Criminal Law Amendment Bill—Passed as amended .	924—55
Election of Members to the Central Advisory Board of Education	840	The Motor Vehicles Bill— Discussion on the motions to consider and to circu- late not concluded . . .	956—69
The Criminal Law Amendment Bill—Discussion on the motion to pass not con- cluded	841—78	THURSDAY, 25TH AUGUST, 1938—	
WEDNESDAY, 24TH AUGUST, 1938—		Starred Questions and Answers	971— 1011
Starred Questions and Answers	879—922	Unstarred Question and Answer	1011—12
Short Notice Question and Answer	922—24	The Motor Vehicles Bill—Dis- cussion on the motions to consider and to circulate not concluded	1012—51

LEGISLATIVE ASSEMBLY.

Monday, 22nd August, 1938.

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

MEMBERS SWORN.

Mr. Subimal Dutt, M.L.A. (Government of India : Nominated Official) ; and

Mr. Yeshwant Narayan Sukthankar, M.L.A. (Government of India : Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†302*-332*.

REVISED PENSION RULES FOR INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

332A. ***Mr. T. S. Avinashilingam Chettiar** : Will the Honourable the Finance Member state :

(a) whether they have issued revised rules for pensions for inferior servants in the Posts and Telegraphs Department ;
and

(b) what is the maximum payable under the new rules ?

The Honourable Sir James Grigg : (a) and (b). I would refer the Honourable Member to the Finance Department Notification No. F.-6 (48)-R.-III|35. dated the 19th of March, 1936, in the Government of India Gazette, dated the 21st March, 1936, a copy of which is in the Library of the House.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government made a promise some time back that they will reconsider the rules about these pensions and give increments in these pensions ?

†These questions, which were on the Order Paper for the 18th August, 1938, have lapsed, the meeting fixed for that date having been cancelled.

The Honourable Sir James Grigg : The Honourable Member cannot have been aware of the answer which I gave a few days ago to Mr. Joshi in which I said :

“ The revised pension rules were issued in 1936, and, in my view, it is still too early to undertake any further revision.”

Mr. T. S. Avinashilingam Chettiar : May I know whether, after this revision of rules in 1936, a promise was not made on the floor of this House that Government would reconsider the question ?

The Honourable Sir James Grigg : I think the Honourable Member, if he will refer to the alleged promise, will see that it is not in the least inconsistent with what I said on the 10th August.

Prof. N. G. Ranga : What is the saving effected by this revision ?

The Honourable Sir James Grigg : The revised scales involved an increased expenditure. They involve an improvement in the pension scales.

Mr. S. Satyamurti : May I know whether the maximum is only Rs. 4 a month ?

The Honourable Sir James Grigg : I think the Honourable Member is wrong. My recollection is that it was increased from Rs. 6 to Rs. 8.

EFFECT OF THE ENHANCED EXCISE DUTY ON THE SUGAR INDUSTRY.

333. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

- (a) whether they have examined the effect of the enhanced excise duty on the sugar industry ;
- (b) whether the production of sugar has gone down since the imposition of the duty ;
- (c) whether the Governments of Bihar and the United Provinces have represented that it should be reduced ; and
- (d) whether Government have considered their representations and come to a decision in the matter ?

The Honourable Sir James Grigg : (a) and (b). It is impossible to examine the effect of the enhanced excise duty in isolation. According to the latest estimates of production there was some decline in the year 1937-38 but whether this was due to the increase of duty, or to excessive stocks caused by the previous over-production, or to the decreased demand which naturally follows a set-back in trade or to any other cause or to a combination of any or all of these causes I cannot say.

(c) I have a recollection, of having seen in the Press that both Governments had made representations in this sense to the Tariff Board.

(d) It is not the practice of the Government of India to announce in advance their intentions in taxation matters.

Mr. T. S. Avinashilingam Chettiar : May I know whether Government review from time to time the effect of the imposition of any duties on the industries of the country ?

The Honourable Sir James Grigg : Yes. The Honourable Member will have noticed that the price of sugar is now between one and two rupees, if not two rupees, higher than it was at the time of the imposition, and that already the consuming and mercantile interests are complaining about the rise in prices.

Mr. Manu Subedar : In connection with clauses (a) and (b) of the question, may I know whether the Tariff Board have examined the effects and the figures which are asked for in those clauses ?

The Honourable Sir James Grigg : The Honourable Member must be aware that Government have not yet published the Tariff Board report and until they do they do not disclose it in detail.

Mr. Manu Subedar : When do Government propose to publish the Tariff Board report ?

The Honourable Sir James Grigg : That question had better be addressed to the Commerce Department.

Mr. K. Santhanam : May I know whether it is a matter of satisfaction or of concern to Government that the production of sugar has gone down ?

The Honourable Sir James Grigg : That would be an expression of opinion.

Mr. S. Satyamurti : In view of the answer to clause (a) and in view of the public importance of assessing the effects of these excise duties, will the Honourable Member consult his Economic Adviser before he gives up the task of assessing the effects of the imposition of the excise duty on the industry ?

The Honourable Sir James Grigg : I will consider that suggestion, but I would like to inform the Honourable Member once more that one effect, or, at any rate, the sequel of the imposition of the excise duty was that sugar manufacturers are now getting about Rs. 1-8-0 a maund more for their sugar.

Mr. S. Satyamurti : May I remind the Honourable Member of the danger of following the maxim, "*Post hoc ergo propter hoc*" ?

The Honourable Sir James Grigg : Certainly, and that is why my answer to parts (a) and (b) was extremely cautious.

Prof. N. G. Ranga : Is it a fact that sugar-cane producers are getting just as much more as the sugar manufacturers ?

The Honourable Sir James Grigg : I have made no calculation of the comparative effect of the increase on the prices of sugar and sugar-cane.

Mr. K. Santhanam : May I know if, with the imposition of the excise duty, it was the expectation of the Honourable Member that the price of sugar would rise so much ?

The Honourable Sir James Grigg : If I ever entertained any expectations, I am extremely cautious about communicating them to Honourable Members either in advance or in arrears.

Mr. Manu Subedar : Has the attention of the Honourable Member been drawn to the statement of the Chief Minister of the United Provinces saying that it is very desirable that sugar prices should be brought down ?

The Honourable Sir James Grigg : Yes.

[* * * * * * *]

Mr. President (The Honourable Sir Abdur Rahim) : There cannot be any argument over this.

Mr. Manu Subedar : The Honourable Member is making an insinuation that I have got mixed up, whereas it is the Honourable Member himself who has got mixed up considerably. He is talking economic heresies.

Mr. President (The Honourable Sir Abdur Rahim) : That matter cannot be discussed.

Mr. S. Satyamurti : Is my Honourable friend's uncommunicativeness about these expectations either in advance or in arrears due to the fact that almost all his expectations go wrong ?

Mr. President (The Honourable Sir Abdur Rahim) : That need not be answered.

CUSTOMS COLLECTION IN THE FRENCH PORTS ADJOINING BRITISH INDIA.

334. ***Mr. T. S. Avinashilingam Chettiar :** Will the Honourable the Finance Member state :

- (a) whether there is a difference in the method of customs collection in the various French ports adjoining British India ;
- (b) if so, what is the difference ; and
- (c) whether Government have considered the advisability of negotiating with the French Government and evolving an arrangement by which imports can be taxed in the French ports, allowing a rebate on goods which might be for consumption within French territory ?

Mr. A. H. Lloyd : (a) and (b). Government have no information.

(c) Yes.

Mr. S. Satyamurti : Will the Honourable Member take some steps to collect information, in view of the importance of the matter ?

Mr. A. H. Lloyd : I do not think that there is any very great importance in the differences that may exist between the methods of customs collection in different French ports. What matters to us is to stop goods from coming into British India without paying our duty.

[*] Deleted by order of the House (*vide* page 924 of Legislative Assembly Debates, dated the 24th August, 1938).

Mr. T. S. Avinashilingam Chettiar : What is the meaning of his answer to clause (c) ?

Mr. A. H. Lloyd : I meant that the answer was in the affirmative. Or, if I may elaborate it slightly, that negotiations were conducted in the years 1922 and 1923 but came to nothing.

Mr. T. S. Avinashilingam Chettiar : But are they being conducted now ?

Mr. A. H. Lloyd : No, Sir.

Mr. K. Santhanam : May I know whether Government are aware that in the present method of checking smuggling between the French boundary and British territory, there is a great deal of harassment to *bona fide* passengers ?

Mr. A. H. Lloyd : I hesitate to use the word "harassment" but anybody crossing the customs frontier must necessarily be subjected to a certain amount of inconvenience.

Mr. K. Santhanam : I was not talking of crossing the boundary, but of coming into British territory by the side of the boundary.

Mr. A. H. Lloyd : Yes, if they have to pass the customs frontier.

Mr. K. Santhanam : Near Mayavaram and Negapatam even passengers who have not to cross the boundary are subjected to hardship. I was myself subjected to hardship and harassment.

Mr. A. H. Lloyd : I suppose it was close to the frontier.

Mr. T. S. Avinashilingam Chettiar : May I know the reasons why the negotiations broke down ?

Mr. A. H. Lloyd : I am afraid I am not in a position to disclose that.

Mr. S. Satyamurti : In view of 16 years having elapsed since then, is it not time enough even for the Government of India to consider the resumption of these negotiations, specially in view of the *prima facie* soundness of the suggestion contained in clause (c) ?

Mr. A. H. Lloyd : I do not think it is any use ourselves taking up this question again unless there is some indication from the other side that it is likely to lead to successful results.

Mr. T. S. Avinashilingam Chettiar : May I know if this arrangement is obtaining in any of these French or other territories ?

Mr. A. H. Lloyd : I do not understand which arrangement the Honourable Member is referring to.

Mr. T. S. Avinashilingam Chettiar : The arrangement which is suggested in clause (c) of the question.

Mr. A. H. Lloyd : No : I said the negotiations conducted in 1923 broke down.

Seth Govind Das : May I make a correction in this question ? I meant the Deputy Principal Information Officer ?

The Honourable Mr. R. M. Maxwell : I am afraid I would require fresh notice in that case.

Seth Govind Das : All right. Will the Honourable Member then reply to the question as it is, i.e., with regard to the Assistant Information Officer ?

CREATION OF A POST OF ASSISTANT INFORMATION OFFICER IN THE PUBLIC INFORMATION BUREAU.

335. ***Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether it is a fact that the post of an Assistant Information Officer has been created in the Public Information Bureau ;
- (b) the salary and other emoluments involved thereby ;
- (c) the reason for the creation of this post ;
- (d) whether any provision was made in the last budget for the post ;
- (e) the amount annually spent on the salary and emoluments of the officers of the Public Information Bureau ;
- (f) whether Government propose bringing forward this matter before the House before the post is finally filled up ; and
- (g) whether Government have advertised the post, or they intend recruiting a man direct from England, and the method by which they intend filling up the post ?

The Honourable Mr. R. M. Maxwell : (a) Yes, but it has not yet been filled.

(b) The pay of the post is Rs. 400—20—500—25—600.

(c) The post was created as part of the reorganisation scheme : and particularly to enable the Bureau to meet the needs of representatives of the Press.

(d) Yes.

(e) I would invite the attention of the Honourable Member to the Budget Estimates of the Central Government under the Head " Home Department—Bureau of Public Information ".

(f) No.

(g) Recruitment to the post is being made through the Federal Public Service Commission.

Seth Govind Das : Is it a fact that a European is going to be appointed to this post ?

The Honourable Mr. R. M. Maxwell : Recruitment is being made by the Federal Public Service Commission and no selection has yet been made.

Seth Govind Das : Will a chance be given to an Indian for this post.

The Honourable Mr. R. M. Maxwell : Certainly ; chances will be given to all sorts of candidates.

Seth Govind Das : Is it a fact that it has been said that £40 overseas allowance would be paid for this post, if anybody is recruited from outside ?

The Honourable Mr. R. M. Maxwell : Not for the Assistant Information Officer.

Seth Govind Das : Is it a fact that the age limit has been reduced for this post to 35 ?

The Honourable Mr. R. M. Maxwell : I cannot tell the Honourable Member from recollection what the age limit is.

Mr. Lalchand Navalrai : May I know if the advertisement for this post says that it is for Indians and Europeans or will the place be earmarked for Europeans ?

The Honourable Mr. R. M. Maxwell : No place is earmarked for a European.

FILLING UP OF CERTAIN POSTS OF OFFICERS IN THE PUBLIC INFORMATION BUREAU.

336. ***Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether it is a fact that Mr. Philips and Dr. Jafri of the Public Information Bureau contemplate giving up their jobs in the Bureau ;
- (b) whether it is the intention of Government to appoint these officers from among experienced journalists ;
- (c) whether Government are prepared to give an undertaking to fill up these posts through the Public Service Commission ; and
- (d) if not, why not ?

The Honourable Mr. R. M. Maxwell : (a) Messrs. Jafri and Philips have both vacated the posts held by them in the Bureau of Public Information.

(b), (c) and (d). The post vacated by Mr. Philips has already been filled by an experienced journalist. It was not necessary to con-

sult the Federal Public Service Commission in this case but the post was advertised in the Press. Khan Bahadur Jafri's successor is being recruited through the Commission.

Seth Govind Das : Who has filled up the post of Mr. Philips ?

The Honourable Mr. R. M. Maxwell : Mr. Rafique ?

Mr. Lalchand Navalrai : May I know who made the selection if not the Public Service Commission ?

The Honourable Mr. R. M. Maxwell : I have just said that it was advertised in the press and it was recruited departmentally.

Seth Govind Das : Is the post which Mr. Jafri held going to be filled by an Indian ?

The Honourable Mr. R. M. Maxwell : The selection has not yet been made.

REORGANISATION OF THE VERNACULAR SECTION OF THE PUBLIC INFORMATION BUREAU.

337. ***Seth Govind Das :** Will the Honourable the Home Member please state :

- (a) whether the Public Information Bureau is contemplating to organise its vernacular section to carry on propaganda through the vernacular press ;
- (b) whether the Director of the Bureau (Principal Information Officer) intends undertaking a tour in order to establish personal contact with the editors and proprietors of the Indian and English newspapers to study the problems and requisites in relation to the supply of Government news ;
- (c) the reason underlying the reorganisation of the vernacular section of the Bureau and the tour of the Principal Information Officer ; and
- (d) the costs involved therein for the tour and the vernacular section ?

The Honourable Mr. R. M. Maxwell : (a) The Indian Languages Section of the Public Information Bureau has recently been strengthened in order to improve the supply of facilities to the newspapers published in the Indian Languages. The Bureau does not carry on propaganda through the press.

(b) Yes.

(c) The reason for the reorganisation of the Indian Languages Section has been given in my reply to part (a) of this question. The reasons for the proposed tour of the Principal Information Officer are those stated in part (b) of the Honourable Member's question. I should

add that the Principal Information Officer has received invitations from the editors of several newspapers in different parts of the country to visit them to discuss matters of professional interest.

(d) The total approximate cost of the Indian Languages Section will be about Rs. 1,400 per month. (The cost of the new posts sanctioned is about Rs. 700 a month). The cost of the Principal Information Officer's tour will not be known till it is completed.

Seth Govind Das : Has the Honourable Member received any applications for the post which is going to be filled up at a salary of Rs. 700 a month ?

The Honourable Mr. R. M. Maxwell : What I said was that the cost of the new posts sanctioned is about Rs. 700 a month : there is no one post on Rs. 700.

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know whether part of the duties of this Public Information Bureau with regard to Indian language newspapers includes the propagation of speeches made in this House, and in such cases only the speeches of official Members are being propagated ?

The Honourable Mr. R. M. Maxwell : The object of the Indian languages section is to supply the papers published in the Indian languages with translations of matter in which they are interested.

Mr. S. Satyamurti : I want to know whether that matter includes speeches on subjects coming before this House, and if so, whether that supply of matter concerns itself only with the speeches of the Honourable Official Members in this House.

The Honourable Mr. R. M. Maxwell : I cannot give an exact account of everything that is supplied to the press. All I wanted to explain is that the Indian language section supplies exactly the same information that is supplied by the English section of the Bureau.

Mr. S. Satyamurti : With regard to speeches made in this House, will the Honourable Member inquire and find out whether the Information Bureau supplies only the speeches of the Honourable Official Members or whether propagate also the speeches on this side of the House ?

The Honourable Mr. R. M. Maxwell : If the Honourable Member will put down a question I will be able to answer that.

Seth Govind Das : Is it a fact that proper care is taken to see that this Information Bureau does not supply papers with speeches of the Congress Party in this Assembly ?

The Honourable Mr. R. M. Maxwell : That is the same question to which I have just replied.

Seth Govind Das : I am putting a specific question, whether the Information Bureau has been instructed not to send out the speeches of the members of the Congress Party in this House ?

The Honourable Mr. R. M. Maxwell : I am certainly not aware of any such instructions.

Mr. K. Santhanam : May I know whether the Government are aware that the latest number of the *Information Series* contains only the Honourable the Home Member's speech on the Criminal Law Amendment Bill ?

The Honourable Mr. R. M. Maxwell : I have not seen that.

Mr. S. Satyamurti : On a point of order, Sir, I submit the Information Bureau Series is supplied by the Department for which my Honourable friend is responsible : it is not as if it is a document prepared by somebody else outside the scope of the official duties for which my Honourable friend is responsible.....

Mr. President- (The Honourable Sir Abdur Rahim) : The Honourable Member's point is that the Honourable the Home Member ought to have given some information about the Bureau, different from what he has given ?

Mr. S. Satyamurti : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : I am afraid I do not know how long I have got to repeat the ruling I have given. Speaking from memory, I would repeat what the Speaker in the House of Commons said not long ago that a member is only entitled to get the answer from the Government which he does get.

Mr. S. Satyamurti : But we are not the House of Commons here !

EXPENSES, ETC., OF THE ARMY DENTAL DEPARTMENT.

338. ***Qazi Muhammad Ahmad Kazmi :** (a) Will the Defence Secretary be pleased to state what was the average expense per year of the Army Dental Department under the civil contract system from 1923 to 1928, and what is the average expense per year from 1932 to 1937, under the present system, showing the expense on salaries of servants, and on materials and other expenses separately ?

(b) Is it a fact or not that under the civil contract system the actual surgical and mechanical work was done by Indians, but under the present system it is being carried on by Europeans ?

(c) If the answer to part (b) be in the negative, what was the percentage of Indians under the old system and what is it under the present system ?

Mr. C. M. G. Ogilvie : (a) There was no general civil contract system in existence between the years 1923 to 1937. The question of the average-expense per year under the civil contracts system therefore does not arise.

I lay on the table a statement showing the approximate annual expenditure of the Army Dental Corps from 1932 to 1937.

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

Statement showing the approximate annual expenditure of the Army Dental Corps from 1932 to 1937.

Year.	Salaries of A. D. Corps Officers and Other Ranks.	Cost of Materials and other incidental and Miscellaneous items.	Total.
	Rs.	Rs.	Rs.
1932 ..	3,25,400	9,200 + stores supplied from Medical Stores Depot, Bombay, figures not available, say roughly Rs. 17,000.	3,51,600
1933 ..	3,24,000	26,588	3,50,588
1934	3,24,000	38,377	3,62,377
1935 ..	3,37,500	50,268	3,87,768
1936 ..	3,88,000	40,122	4,28,122
1937	3,79,500	36,932	4,16,432

Qazi Muhammad Ahmad Kazmi : Was the system before 1928 the same as it is now ?

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

Qazi Muhammad Ahmad Kazmi : Was the system from 1923 to 1928 the same as it is now ?

Mr. C. M. G. Ogilvie : The only time civilian dentists were employed by the Army in India was prior to the outbreak of the Great War.

Mr. Sri Prakasa : Will the Honourable Member instruct the soldiers to rinse their mouths carefully after meals to avoid dental troubles ?

EUROPEANS AND INDIANS TREATED BY THE ARMY DENTAL DEPARTMENT.

339. ***Qazi Muhammad Ahmad Kazmi :** (a) Will the Defence Secretary please state the total number of Europeans and Indians, respectively, that was treated by the Army Dental Department for the periods 1923—28 and 1932 to 1937 ?

(b) Are the arrangements for Europeans and Indians the same for the treatment of the dental troubles in the Army, or are they different ? If they are different, what is the difference ?

Mr. C. M. G. Ogilvie : (a) I lay on the table a statement showing the required information for the years 1932 to 1937.

It is regretted that figures for the period 1923 to 1927 are not now available.

(b) The arrangements are different. Indian soldiers normally receive dental treatment in Indian military hospitals and it is only the difficult cases which are treated in Army Dental centres where the cases of British soldiers are treated.

Statement showing the number of Europeans and Indians treated by the Army Dental Corps from 1932 to 1937.

Year.		Europeans.	I. O. Rs.
1932	..	16,116	196
1933	..	16,398	180
1934	..	19,144	164
1935	..	23,277	138
1936	..	24,935	94
1937	23,621	190

The figures given above do not include a large number of cases of Indian soldiers treated for dental troubles by the Medical Staff of Indian Military Hospitals.

Qazi Muhammad Ahmad Kazmi : With reference to clause (a), will the Honourable Member tell the House the figure I have asked for instead of laying it on the table,—I mean the figures relating to Indians and Europeans treated ?

Mr. C. M. G. Ogilvie : It consists of 18 figures.

Mr. K. Santhanam : With regard to part (b), may I know if this difference in treatment exists in regard to Commissioned Officers also ?

Mr. C. M. G. Ogilvie : There is no discrimination at all ; it is simply a matter of convenience.

Mr. K. Santhanam : Does the difference in treatment exist for the Indian as well as European officers also ?

Mr. C. M. G. Ogilvie : I have not got any information about officers. If the Honourable Member will put down a question, I will try to give him the information.

Mr. D. K. Lahiri Chaudhury : What does the Honourable Member mean by saying it is simply a matter of convenience ?

Mr. C. M. G. Ogilvie : I think the meaning.....

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

Qazi Muhammad Ahmad Kazmi : Will the Honourable Member please let us know what is the difference in the system adopted in the case of Indians and Europeans ?

Mr. C. M. G. Ogilvie : There is no radical difference at all. The Army Dental Corps exists for the British Army, and the reason why it exists is because the number of dental cases among British troops is extremely high. Among Indian troops, not only the number of dental cases is comparatively very few, but they have very good teeth indeed. When, however, they do have serious dental trouble, they are treated at the army dental centre.

Shrimati K. Radha Bai Subbarayan : May I know if these arrangements include treatment for the families of the Indian troops also ?

Mr. C. M. G. Ogilvie : I must require notice of that question.

COMMISSIONED BRITISH OFFICERS STATIONED IN VARIOUS DISTRICTS IN BENGAL.

340. ***Mr. Brojendra Narayan Chaudhury :** Will the Defence Secretary please state :

- (a) the number of commissioned British officers stationed in various districts in Bengal and their rank ;
- (b) the object of stationing them so and of troops under them ;
- (c) apart from commanding troops under them, what particular duties they perform ;
- (d) whether they are in collaboration with Civil authorities and particularly school and college authorities ; if so, for what purpose ;
- (e) whether they attend public meetings and deliver speeches ;
- (f) whether any of them is designated ' Intelligence officer ' ; if so, what are his special duties ; and
- (g) whether Major Bells, described as an ' Intelligence officer ' of Mymensingh, at a meeting of guardians and students at Kishoreganj on 12th July, entered into a controversy with the President of the Indian National Congress regarding ' House System ' watching over students at home by school authorities ?

There is a slight mistake here : " Districts " should be " Mufassil Districts ".

Mr. C. M. G. Ogilvie : (a) The required information is given in the Indian Army List, a copy of which is in the Library. There are, however, certain military officers who are serving as intelligence officers under the Bengal Government.

(b) For the maintenance of law and order and at the request of the Provincial Government.

(c) None. Apart from the Military Intelligence officers whose duties are laid down by the Provincial Government.

(d) Yes. They assist school and college authorities in certain ways, such as the formation of Boy Scout organisations, and in games such as football, and boxing.

(e) Government have no information on this point.

(f) All are Intelligence officers. Their primary duty as such is to maintain liaison between the civil and military authorities.

(g) Government have no information.

Mr. Brojendra Narayan Chaudhury : May I know if the troops which have been stationed in the Bengal districts have been placed there at the request of the present Bengal Government ?

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

Mr. Lalchand Navalrai : With reference to clause (b), Sir, will the Honourable Member please find out if they have been attending public meetings or not ?

Mr. C. M. G. Ogilvie : I made such inquiries as I could in the time available, but that is a matter for the direction of the provincial authorities, and we have no information available here.

Qazi Muhammad Ahmad Kazmi : With reference to clause (g), has the Honourable Member made any inquiries ?

Mr. C. M. G. Ogilvie : Yes, that is the material available to me here.

Qazi Muhammad Ahmad Kazmi : Has the Honourable Member made any inquiries from outside ?

Mr. C. M. G. Ogilvie : No, the matter seems so trivial that it is not worth while making inquiries from the Bengal Government.

Mr. Brojendra Narayan Chaudhury : Is the Honourable Member aware of the agitation in the Calcutta press for the last two months against the speech made by Major Bells, and has it not come to the notice of the Honourable Member ?

Mr. C. M. G. Ogilvie : No, I am entirely unaware of any such agitation.

Mr. Brojendra Narayan Chaudhury : Does the Honourable Member intend to inquire from Major Bells and look into newspapers of the date to find out if Major Bells did not deliver a lecture ?

Mr. C. M. G. Ogilvie : No, Sir.

Mr. D. K. Lahiri Chaudhury : Yes, it is a fact that Major Bells did deliver a lecture.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member did not ask this question.

Mr. M. Ananthasayanam Ayyangar : May I know if this Intelligence Officer is to report the civil or criminal intelligence ?

Mr. C. M. G. Ogilvie : The intelligence generally.

DISCUSSION OF BUDGET ESTIMATES IN CANTONMENT BOARDS.

341. ***Mr. Badri Dutt Pande** : (a) Will the Defence Secretary be pleased to state whether it is a fact that no procedure has been prescribed for the discussion of the Budget Estimates of Cantonment Boards in the Cantonment Account Code or other Rules in force ?

(b) Is it not a fact that the copies of budget are not supplied to elected members before the meeting in which the budget is kept as one of the several items on the agenda ?

(c) Is it not a fact that this year a request was made by the elected Vice-President of Peshawar Cantonment Board to the Executive Officer that the consideration of the budget be postponed for one month to enable elected members to think over it ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) The procedure which is governed by regulations made by the Board under section 44, Cantonments Act, varies in different cantonments.

(c) No.

Mr. Abdul Qaiyum : Will Government see to it that a uniform procedure is prescribed for the presentation and discussion of Budget estimates of Cantonment Boards ?

Mr. C. M. G. Ogilvie : The Government see no reason for making any regulation of that kind.

Mr. Badri Dutt Pande : There are no definite rules for preparing the Budget estimates and placing them on the table, is it the intention of the Government to make rules to that effect ?

Mr. C. M. G. Ogilvie : Rules 16 and 17 of the Cantonment Code of 1924 deal with the preparation of the budget.

Mr. Badri Dutt Pande : Is the Honourable Member aware that none of these rules are complied with by the Officers Commanding the Station ?

Mr. C. M. G. Ogilvie : I have no reason to believe anything of the sort.

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

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

ALLEGED CORRUPTION AMONG THE CANTONMENT BOARD SERVANTS.

342. ***Mr. Badri Dutt Pande :** (a) With reference to his answer to question No. 448 put by Mr. Sham Lal on the 23rd February, 1938, will the Defence Secretary be pleased to state the one or two cases of Executive Officers, who used *chaprasis*, garden coolies and sweepers, to work on their residences, which were reported to the Government of India, and the action which Government took in those cases ?

(b) Will Government be also pleased to state the cases reported by the Inspecting Officers of Cantonments in their inspection notes about the nature and extent of corruption about any Cantonment Boards and the action which Government took on those reports ?

Mr. C. M. G. Ogilvie : (a) In one case where the officer had been appointed by the General Officer Commanding-in-Chief, the Command before the introduction of the Cantonment Executive Officers Service Rules suitable disciplinary action was taken by the General Officer Commanding-in-Chief. In another case the officer concerned was dismissed on several charges including charges on the subject in question.

(b) Government have been able to trace two cases which the General Officer Commanding-in-Chief to whom the inspection reports were made referred the matter to the Government of India who after enquiry took the necessary disciplinary action.

Mr. Badri Dutt Pande : What was the necessary disciplinary action taken on that occasion ?

Mr. C. M. G. Ogilvie : The necessary disciplinary action was in one case a severe reprimand, and in the other case dismissal.

Mr. Badri Dutt Pande : Is it the intention of the Government to issue a circular to the effect that these Government servants should not be employed in the private bungalows of the officers ?

Mr. C. M. G. Ogilvie : There is no need to issue any such circular as the matter is perfectly well known to all Government servants.

Mr. Badri Dutt Pande : But they require reminding.

DIVISION OF PESHAWAR CANTONMENT INTO WARDS.

343. ***Mr. Badri Dutt Pande :** (a) With reference to question No. 106, answered on 2nd February, 1938, will the Defence Secretary be pleased to state whether it is not a fact that the division of cantonment of Peshawar into wards is now in the hands of the Government of India and not in the hands of the Provincial Government ?

(b) Do Government propose to take steps to see that no separate ward is allotted to troops who have already an official nominated majority on the Cantonment Board of Peshawar ? If so, what ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) Does not arise as there is no separate ward for the troops.

WOMEN EMPLOYED IN THE CUSTOMS DEPARTMENT.

344. ***Shrimati K. Radha Bai Subbárayan :** Will the Honourable the Finance Member be pleased to state :

(a) whether there are any women employed in the Customs Department, and if so, in what capacity they are employed ;

(b) whether Government have received any representation about the inconvenience caused to women third class passengers at Ports and Stations by Customs Officials searching for prohibited or dutiable goods on their person ;

(c) whether there are any definite rules about such examination and whether it is always conducted by women ; and

- (d) whether Government are prepared to take immediate steps to include women on the regular staff in the Customs Offices at all ports and stations to assist women passengers ?

Mr. A. H. Lloyd : (a) Yes : as female searchers, as clerks and one as a telephone operator.

*(b) No.

(c) There is a provision in the Customs law itself laying it down that a female shall not be searched by any but a female.

(d) Female searchers are employed as part of the regular staff at the places where the necessity for their work is more commonly felt. In other places, temporary arrangements are made when occasion arises ; it would be uneconomical to keep female searchers on the regular staff in such cases.

Shrimati K. Radha Bai Subbarayan : May I ask with reference to the answer to clause (c) of the question whether there are any rules with regard to the rooms where the examination of the person of women passengers is made ?

Mr. A. H. Lloyd : There are no regular rules, but of course, the examination is always done in privacy.

Shrimati K. Radha Bai Subbarayan : Have the Government seen complaints in the press ? There have been complaints in some of the Indian papers with regard to the hardship caused to the women passengers. Will Government call for reports in those circumstances ?

Mr. A. H. Lloyd : If the Honourable Member will be so good as to forward the complaints to me, I will deal with them.

Mr. Lalchand Navalrai : May I ask the Honourable Member, if the female searchers are not regularly appointed, how they are secured for the purpose of the searches ?

Mr. A. H. Lloyd : That depends upon the circumstances of each case.

Mr. Lalchand Navalrai : Will Government then propose to have some women in the preventive service for this purpose ?

Mr. A. H. Lloyd : I have said that it would be uneconomical to employ female searchers at every place.

Mr. Lalchand Navalrai : Is there not much work....

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

Shrimati K. Radha Bai Subbarayan : May I ask if there is any discrimination in the examination of first and third class passengers ?

Mr. A. H. Lloyd : Not as such.

Shrimati K. Radha Bai Subbarayan : Is it not a fact that third class women passengers have to come out of the train and have to be searched in an enclosure, while the first and second class women passengers are examined in their own compartments ?

Mr. A. H. Lloyd : I am afraid I have no information on that point.

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

Mr. S. Satyamurti : As regards question No. 345, may I submit that I am asking part (a) only for the purpose of leading to part (f) ? So far as the main subject is concerned, it has already been answered, but since there is a point about the speech referred to in part (f), may I ask that question only for that purpose ? Question No. 345.

REMARKS ABOUT INDIAN ARMY MADE BY SIR PHILIP CHETWODE IN A SPEECH.

345. ***Mr. S. Satyamurti :** Will the Defence Secretary please state :

- (a) whether the attention of Government has been drawn to a recent speech of Sir Philip Chetwode, lately Commander-in-Chief in India, wherein he *inter alia* said, referring to the Indianisation of the Army, that those now taking commissions were not quite of the right class ;
- (b) whether the Government of India have examined this matter ;
- (c) whether the right class are not coming up ;
- (d) if so, what the reasons are ;
- (e) whether Government are taking any steps to get the right class of Indians ;
- (f) whether Government's attention has also been drawn to another statement in the speech that there must be no politics in the army and that the moment that politics entered the army, the army would be of no value to those who paid for it ;
- (g) whether Government have examined this allegation ; and
- (h) whether there is any politics in the Indian Army ?

Mr. C. M. G. Ogilvie : (a) Yes.

(b) Yes.

(c) Not in sufficient numbers.

(d) These are uncertain, but are being examined.

(e) Yes. The whole question of the recruitment of Indians to the commissioned ranks of the Army is being actively examined.

(f) Yes.

(g) Government have no need to examine the statement as they are in entire agreement with it.

(h) No.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, namely, " whether the Government of India have examined this matter ", may I know what is the kind of examination that the Government have made into this matter, that is to say, the matter of the right class not coming up ? Who examined the matter, and may I know why the Government have not yet come to any conclusion as to the reasons for the falling off in the number of the right class coming up ?

Mr. K. Ahmed : I rise on a point of order. When speeches after dinners with champagne and wine are made particularly by one out of office, are Government responsible here for those speeches ? Sir, I submit that the Chair should not have allowed this question.

Mr. C. M. G. Ogilvie : I think that even in this House where supplementary questions are apt to cover wide questions of policy, so big a supplementary has hardly ever been asked. Putting it as briefly as I can, it has been examined by all those who may be said to know anything about the matter from our side,—that is to say, soldiers, officers commanding Indianised regiments, educational authorities, and to a considerable extent, by non-official Members of both Houses. The problem is one of extreme complexity and difficulty, and if the Honourable the President will allow me to make a speech about it I think I can probably satisfy the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim) : No. This is not the time for such a speech. The Honourable Member can take some other opportunity.

Mr. S. Satyamurti : I am simply asking for the elucidation of two answers which seem to me to be conflicting, namely, to clauses (b) and (d) of the question. To clause (b) the Honourable Member said that the Government have examined the matter and has elaborated it by saying that all those who really know anything about the matter have examined the matter. In answer to clause (d) of my question, he has said that the Government are not in a position to know what the reasons are. I am simply asking for elucidation as to why, after all this elaborate examination, they have not been able to find out what the main reasons are for the falling off in the right class of recruits coming up ?

Mr. President (The Honourable Sir Abdur Rahim) : I understood the Honourable Member to say that the Government have come to a conclusion.

Mr. S. Satyamurti : So far as clause (e) is concerned, I am satisfied with my Honourable friend's answer that they are taking steps to get the right class of Indians. He said that it was a very delicate matter and required to be examined. I must take that answer, but so far as the reasons are concerned, as they have expressed their agreement with the statement, surely I am entitled to know as to the results of their enquiry and whether they have come to any conclusion as to the main reasons for this falling off.

Mr. C. M. G. Ogilvie : There is no inconsistency between the answer given to (b) and that given to (d) and (f). The Government have examined the matter in the past. The result of that examination was that the examination must continue and it is still continuing.

Mr. S. Satyamurti : With regard to the answers to clauses (f) and (g) of the question, the Honourable Member said that the Government are entirely in agreement with what is contained in clause (f). Here we have a statement that there are politics in the army and that politics ought not to enter the army. May I ask my Honourable friend for some elucidation as to the kind of politics which Government suspect exist in the army ?

Mr. C. M. G. Ogilvie : Government have already said that they do not suspect that there are any politics in the army and they entirely agree with Sir Philip Chetwode that there must be none.

Mr. S. Satyamurti : What is the answer to clause (h) of the question ?

Mr. C. M. G. Ogilvie : If the Honourable Member had listened to me, he would have heard that the answer was " No ".

Mr. S. Satyamurti : There are no politics ?

Mr. C. M. G. Ogilvie : No.

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

REPORT OF THE COMMITTEE APPOINTED TO OVERHAUL THE SYSTEM OF RECRUITMENT TO THE SUPERIOR POSTS IN THE CENTRAL SECRETARIAT.

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

- (a) whether the committee that was appointed by the Government of India to overhaul the system of recruitment to the superior posts in the Secretariat of the Central Government has submitted its report ;
- (b) whether the report will be placed on the table of the House ;
- (c) whether, as a result of these recommendations, any additional financial burden is thrown on the Central Government ; and
- (d) what are the results by way of improvement of the efficiency of the staff which Government expect by accepting these recommendations ?

The Honourable Mr. R. M. Maxwell : (a) and (b). The only Committee formally appointed by the Government of India for the purpose mentioned in the question was the Wheeler Committee, whose report was published on the 17th November, 1937. A copy of it is in the Library of the House. If, however, the Honourable Member means what is commonly known as the ' Maxwell Committee ' he is referred to the reply given to part (b) of Mr. C. N. Muthuranga Mudaliar's starred question No. 370 on 18th February, 1938.

(c) As consideration of the questions arising out of the report is not yet concluded I am not in a position to give any information about its financial implications.

(d) The Honourable Member is referred to the Press Note issued on 17th November, 1937.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know whether consideration by the Government of these recommendations, namely, of the Maxwell Committee,—whether consideration of those recommendations includes also consideration of the financial implications thereof, or whether Government propose to pass orders on these and leave somebody else to calculate the financial implications ?

The Honourable Mr. R. M. Maxwell : No proposals for reorganisation could possibly be considered without considering their financial implications.

Mr. S. Satyamurti : In view of that answer, may I know whether Government have computed on a rough basis at least the financial implications of acceptance of the recommendations of this Committee ?

The Honourable Mr. R. M. Maxwell : No. Government have not yet a complete picture and final decisions on all the recommendations have not yet been taken.

Mr. S. Satyamurti : As regards those points on which final decisions have been taken, what are the financial implications and what amount of extra expenditure is likely to fall on the central revenues ? Have the orders been passed without working out the financial implications ?

The Honourable Mr. R. M. Maxwell : They have not been added up and made into a statement suitable for presentation in this House.

Mr. S. Satyamurti : Does the Honourable Member propose to pass orders as the recommendations come up, and never to calculate the total before passing orders on these recommendations ?

The Honourable Mr. R. M. Maxwell : The House will have an opportunity of considering all these things on the budget.

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

EXCHANGE RATIO.

347. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member state :

- (a) whether he has examined the question of the rupee exchange ratio recently or whether he proposes to do so ;
- (b) what the results of that examination are ;
- (c) whether the Government of India have received any report from the Reserve Bank under section 55 (2) of the Act ;
- (d) whether Government propose to ask the Reserve Bank to report under this section ; if not, why not ;
- (e) whether Government propose to appoint, in consultation with the Assembly, an impartial expert committee to enquire into the matter ; and
- (f) if not, why not ?

The Honourable Sir James Grigg : (a) and (b). I would invite the attention of the Honourable Member to the Communiqué issued by the Government of India on the 6th June last.

(c) No.

(d) No. The circumstances contemplated by that sub-section have clearly not arisen.

(e) No.

(f) It would create great uncertainty and would, therefore, serve only to hinder the recovery for which everybody is hoping and of which some indications have recently appeared. Moreover, it would give rise to undesirable speculation.

Mr. S. Satyamurti : With reference to the answer to clauses (a) and (b) of the question, may I know whether the balance of trade on the existing ratio has fallen to as low as 27 lakhs from 8.14 crores from April to June, 1937 ?

The Honourable Sir James Grigg : That may be, but I will tell the Honourable Member if he will wait for a few days and see the figures for the balance of trade for July, he will find that this year is better than last.

Mr. S. Satyamurti : May I know whether in order to keep up this ratio the currency circulation has been contracted by about 2.12 crores and other steps have been taken, *inter alia*, by reducing the sterling resources of the issue department to about 6.49 crores ?

The Honourable Sir James Grigg : The sterling resources of the Reserve Bank are higher than they were at the time the Bank was started.

Mr. S. Satyamurti : With reference to the answer to clauses (d) and (e) of the question, I am referring to section 55 (2) of the Reserve Bank Act, may I know whether Government propose to examine this matter independently of the Bank or whether the Bank ought to be the sole judges that the international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the monetary system and to frame permanent measures for the monetary standard ?

The Honourable Sir James Grigg : That question envisages the possibility of a conflict of opinion between the Bank and the Government but on the question whether the international monetary position has become sufficiently clear and stable to make it possible to determine what will be suitable as a permanent basis for the Indian monetary system, there can be no difference of opinion that at the moment it is not the case.

Mr. S. Satyamurti : That answer means that the Reserve Bank and the Government of India have jointly come to the conclusion after examination of the facts I have mentioned and all other relevant facts that the time has not yet arrived, as contemplated in section 55(2) ?

The Honourable Sir James Grigg : The Honourable Member must assume from my answer no more than is contained in it.

Mr. S. Satyamurti : May I take it that the Government will issue a communiqué as to the reasons why they have come to this conclusion, namely, that the Reserve Bank and the Government of India think that the international position has not become sufficiently clear and stable.

The Honourable Sir James Grigg : That question is based on a misapprehension of what is contained in my reply to an earlier supplementary.

Mr. S. Satyamurti : May I ask for some enlightenment. I am comparatively ignorant as compared with the Honourable the Finance Member.

The Honourable Sir James Grigg : The only enlightenment that I can give the Honourable Member is that it is quite obvious to everybody and anybody that the international monetary situation at the present time is extremely unstable.

Mr. S. Satyamurti : With reference to the answer to clauses (e) and (f), may I know whether the House will have an early opportunity of discussing the whole matter, that is to say, the appointment of an impartial committee to inquire into the whole matter.

The Honourable Sir James Grigg : I would only ask the Honourable Member to wait and see.

Mr. S. Satyamurti : A Resolution has been tabled and that comes on first in the list of balloted Resolutions for the 2nd September. May I know whether the Government of India have any intention of advising the Governor General to disallow that motion ?

The Honourable Sir James Grigg : The allowance or disallowance is a matter which rests with the Governor General in his discretion.

Mr. S. Satyamurti : Do the Government make any recommendation in these matters ?

The Honourable Sir James Grigg : I cannot answer that question.

Mr. K. Santhanam : With reference to the answer to parts (a) and (b), may I know whether the general index of prices in India continues to be low as compared with the index prices of other countries ?

The Honourable Sir James Grigg : In the last two months, it has risen very sharply and that is why I said in answer to the last part of the question that there were some indications of recovery.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that during the last three or four months the sterling securities in the Reserve Bank have gone down considerably ?

The Honourable Sir James Grigg : In the last year, there was certainly a reduction in the sterling reserves of the Reserve Bank but as I have pointed out just now, the sterling reserves of the Reserve Bank are much higher than when the Bank was set up in April, 1935.

ECONOMIES IN THE EXISTING EXPENDITURE OF THE CENTRAL GOVERNMENT.

348. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member please state :

- (a) whether the Finance Department has issued instructions to all departments not to incur any fresh expenditure, even though it has been sanctioned, without a second approval of the Finance Department and to effect as much economies in the existing expenditure as would be consistent with efficiency ;

- (b) whether the post of Trade Commissioner at Alexandria is being held in abeyance in pursuance of this economy drive ;
- (c) whether fresh expenditure on the expansion of broadcasting is being held up ;
- (d) what other savings have been made ;
- (e) whether any attempt is being made by His Majesty's Government to persuade the Government of India to pay anything more than 46 crores for defence expenditure ; and
- (f) whether it is being resisted by the Honourable the Finance Member and by the Government of India ?

The Honourable Sir James Grigg : (a) and (d). I will invite the Honourable Member's attention to the reply given by me to Mr. Brojendra Narayan Chaudhury's starred question No. 122 on the 10th instant.

(b) This appointment is at present held up but no final decision has been arrived at.

(c) The position is that there is an unspent balance of about seven lakhs in the Capital Fund but that there are in existence schemes which would much more than absorb this amount. These, however, cannot be sanctioned because it is in present circumstances impossible to find the recurring expenditure which they involve.

(e) and (f). I cannot at present add anything to what was said by the Defence Secretary in the debate on the Adjournment Motion on the 9th August.

Mr. S. Satyamurti : May I know if the Honourable the Finance Member can give this House a rough idea of the savings made by the acceptance of the various departments of the recommendations made for retrenchment ?

The Honourable Sir James Grigg : I shall read out the answer to question No. 122.

Mr. S. Satyamurti : Has this communication been sent to the Defence Department ?

The Honourable Sir James Grigg : It was sent to the Department of Communications, Posts and Telegraphs, Defence and everybody.

Mr. S. Satyamurti : Is it, as a result of this communication, that the Defence Department have been spending 80 lakhs on the Waziristan operations ?

The Honourable Sir James Grigg : You had better address that to the Defence Secretary.

PERSONS TO BE DISCHARGED AS A RESULT OF MECHANISATION OF CERTAIN
BRITISH CAVALRY UNITS.

349. *Mr. Brojendra Narayan Chaudhury : Will the Defence Secretary please state :

- (a) the number of *syces* and others in military service who will have to be discharged as a result of mechanisation of the four British Cavalry Units ;
- (b) the steps Government propose to take to relieve those suddenly thrown out of employment ;
- (c) if there is a likelihood of their securing similar jobs elsewhere ; if so, where ;
- (d) if Government propose to give them money compensation ; if so, how much in proportion to their former earnings under the military ;
- (e) if it is suggested that they may settle down on land ; if so, whether Government have considered if they are trained and fit for land cultivation ; and
- (f) if it is intended to employ all or any of them under the military on similar pay, in other allied occupations ?

Mr. C. M. G. Ogilvie : (a) The numbers becoming surplus to establishment as the result of mechanization of the four British cavalry units are 56 Indian other ranks and 720 *syces*.

(b) As many of these men as possible are to be absorbed in vacancies existing in other units, corps or departments.

The Military Engineer Services and Contractors have been asked to offer employment to as many of these men as possible.

(c) As the tendency in all walks of life is to do without the horse, there is no great likelihood of their securing similar employment elsewhere.

(d) In the case of combatant personnel, mustering out concessions are admissible to those who cannot be absorbed elsewhere. The *syces*, who are temporary personnel, are entitled only to one month's notice of discharge or pay in lieu of notice.

(e) Government have no intention of settling them on the land.

(f) Yes, in every possible case.

PERSONNEL OF THE INDIAN NAVY AND RECRUITMENT OF SAILORS FROM EAST
BENGAL AND SURMA VALLEY.

350. *Mr. Brojendra Narayan Chaudhury : Will the Defence Secretary please state :

- (a) the number of (i) officers of different grades and rank and file, (ii) combatants, and (iii) non-combatants, employed in the Indian Navy ;

- (b) of the above, how many are Indians ;
- (c) if any combatant or non-combatant sailors are recruited from East Bengal and Surma Valley ; if so, the recruiting machinery ; and
- (d) if he is aware that the district of Sylhet supplies the major portion of sailors at Calcutta Port for sea-going merchant vessels and that these sailors have a reputation for hardihood, physique and courage ?

Mr. C. M. G. Ogilvie : (a) (i). 108 Commissioned officers (5 Captains, 18 Commanders, 85 Lieutenant-Commanders and below).

50 Warrant officers.

1,185 Ratings.

(ii) 1,322.

(iii) 21.

(b) Of the total of 1,322, 1,226 are Indians.

(c) No.

(d) No.

RAILWAY CONCESSIONS TO GOVERNMENT SERVANTS.

351. ***Mr. Brojendra Narayan Chaudhury :** (a) Will the Honourable the Finance Member please state if servants of the Government of India enjoy any concession in travel by Railways in India either on service or on their own account ?

(b) If so, will Government please state the class of officers, the nature of concessions and the approximate total loss to Railways by the grant of those concessions ?

(c) Is there any loss to Railway revenues, when those officers travel on service under concessions ?

(d) Is there any loss to Central Government thereby ?

(e) Does a diminution of Railway revenues affect contribution to Provinces from Central Government ?

(f) Do servants of Provincial Governments enjoy similar concessions ?

(g) Is there a loss to Central Government when the officers travel on concession on their own account ?

(h) Have superior army officers been recently given any such concession, or is it intended to be given ? If so, what, and why ?

(i) What is the reason behind the grant of Railway concessions to Government servants generally ?

The Honourable Sir James Grigg : (a) to (d) and (f) to (i). These parts of the question should have been addressed to the Honourable Member for Communications.

(e) The Honourable Member is referred to clause 6 of the Government of India (Distribution of Revenues) Order in Council, 1936.

**CERTAIN RESOLUTIONS RULED OUT OF ORDER BY THE PRESIDENT OF THE
LAHORE CANTONMENT BOARD.**

352. ***Mr. Sham Lal** : (a) Will the Defence Secretary be pleased to state whether it is a fact that the official Military President of the Lahore Cantonment Board ruled out of order four resolutions relating to the following subjects, in the meeting of the Board on 28th April, 1938 :

- (i) appointment of expert committee to study the financial aspects of the Board and make recommendations to the Board ;
- (ii) request to the Government of India to re-classify cantonment lands after hearing objects from the Cantonment Board ;
- (iii) request to the Government of India to reconsider their decision to pay Rs. 1,300 to the Executive Officer for travelling from Deolali to Lahore ;
- (iv) suggesting compensation to the villagers recently included in cantonment limits.

(b) Is it a fact that the official Military President has got no right to stifle discussion on these matters ?

(c) Is it a fact that he disallowed discussion on these resolutions under the orders or instructions of the Executive Officer of that cantonment ?

(d) Is it also a fact that in the same meeting the President ruled out of order a resolution passed by the Bazar Committee laying down liberal policy for the owners of cattle in the bazar area ?

(e) Is it also a fact that this resolution was held to be in order by the elected Chairman of the Bazar Committee ?

Mr. C. M. G. Ogilvie : (a), (d) and (e). Yes.

(b) The President is entitled to rule a resolution out of order.

(c) No.

Qazi Muhammad Ahmad Kazmi : Are the Government of India satisfied that these resolutions were really out of order ?

Mr. C. M. G. Ogilvie : Fully satisfied.

**NON-PLACING OF APPLICATIONS OF POOR PERSONS FOR EXEMPTION FROM
PROPERTY TAXES BEFORE THE LAHORE CANTONMENT BOARD.**

353. ***Mr. Sham Lal** : (a) Will the Defence Secretary be pleased to state whether it is a fact that the present Executive Officer of Lahore Cantonment Board stopped placing the applications of poor persons for exemption from property taxes before the Board and passed orders on them himself ?

(b) Is it a fact that in the February meetings of the Board, a resolution was moved against this practice in the Board ?

Mr. C. M. G. Ogilvie : (a) I refer the Honourable Member to my answer to Mr. Gadgil's starred question No. 896 of March 22nd, 1938.

(b) The Board have resolved that all such applications should be placed before the Board, but that pending decisions the recovery of revenue should proceed in accordance with the regulations, and that if exemptions are ultimately granted refunds would be made in due course.

RATES OF ELECTRICITY CHARGED IN THE LAHORE CANTONMENT.

354. ***Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state whether it is a fact that at Lahore Cantonment the rate of electricity for street lighting from the Cantonment Board charged by the Military Engineering Services is more than the rate charged from the same Board by the Punjab Public Works Department? If so, what are the rates and the difference?

(b) Is it a fact that the Military Engineering Services charge higher rate per unit from a wholesale consumer like the Cantonment Board, and less from individual consumers like military officers in bungalows?

(c) What steps do Government propose to take to reduce the rates of electricity charged by Military Services from Cantonments Boards?

Mr. C. M. G. Ogilvie : (a) Yes. The Military Engineer Services rate is $4\frac{1}{2}$ annas per unit which is the all India rate for street lighting. The Public Works Department rate is two annas per unit.

(b) Yes. The rate of four annas charged for individual consumers is the same for military and civil consumers.

(c) None. The Board are at liberty to terminate their agreement if they consider the Military Engineer Services rates are too high.

EXPENSES INCURRED ON LITIGATION BY THE LAHORE CANTONMENT BOARD.

355. ***Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state the amount of expenses incurred on litigation (legal charges, etc.), by the Lahore Cantonment Board since the arrival of the present Executive Officer from 1st October, 1937, to 30th June, 1938?

(b) What were the expenses under the same heading in the corresponding ten months of the year before?

Mr. C. M. G. Ogilvie : (a) Rs. 1,568-4-0.

(b) Rs. 1,719-8-0.

NON-DELEGATION OF POWERS TO THE BAZAR COMMITTEE OF THE LAHORE CANTONMENT.

356. ***Mr. Sham Lal :** (a) Will the Defence Secretary be pleased to state whether it is a fact that at Lahore Cantonment the Executive Officer clearly mentions on the Agenda of every Bazar Committee meeting, that this Statutory Committee will only meet in an "advisory capacity"? If so, why?

(b) Is it a fact that no powers have been delegated at Lahore Cantonment to Bazar Committee, although it came into being nearly ten months ago ?

(c) Is it a fact that the only subjects which have been placed within the scope of the Bazar Committee are plans of buildings and grant of trade licences ?

Mr. C. M. G. Ogilvie : (a) Yes, as the regulations for the Bazar Committee in final form have not yet been received from the Board for the approval of Government.

(b) and (c). No. Under the draft regulations, the Board propose, it is understood, to delegate powers under sections 140, 181, 183-A, 185, 187 to 191, 194, 210 and 212, among others, subject to final confirmation by the Board of the proceedings of the Committee.

WITHDRAWAL OF CERTAIN CONCESSIONS FROM THE RESIDENTS IN THE SALT RANGE, TERI TAHSIL, KOHAT DISTRICT.

357. ***Mr. Abdul Qaiyum :** Will the Honourable the Finance Member please state :

(a) whether, in the matter of employment as guards in the Salt Range, Teri Tahsil, Kohat District, North-West Frontier Province, preference is given to people from outside the Province over the local inhabitants ;

(b) whether certain concessions which the residents in the Salt Range, Teri Tahsil, Kohat District, North-West Frontier Province, used to enjoy, were withdrawn during the last civil disobedience movement ;

(c) what was the nature of those concessions ; and

(d) whether Government are prepared to restore those concessions to the owners ; if not, why not ?

The Honourable Sir James Grigg : (a) No.

(b) Yes.

(c) I would refer the Honourable Member to the Press Communiqué of the 22nd May, 1931, which I laid on the table of the House on the 9th April, 1936, in answer to a short notice question by Prof. Ranga.

(d) The Government of India have not been approached in the matter and have no such proposal under consideration.

Mr. Abdul Qaiyum : Is it not a fact that the Provincial Government has written to the Government of India since the last civil disobedience movement ?

The Honourable Sir James Grigg : The Honourable Member is I think—according to my information—mistaken.

**PERSONS KILLED AND ADDITIONAL EXPENDITURE INCURRED IN THE
WAZIRISTAN OPERATIONS.**

358. ***Mr. Abdul Qaiyum** : (a) Will the Defence Secretary please state how many officers and men were killed in action in Waziristan from the 1st January, 1938, to the 1st August, 1938 ? How many of these were British Officers and British other ranks ?

(b) How many additional troops were pressed into service in Waziristan over and above the normal strength ?

(c) What was the additional expenditure incurred in Waziristan operations from the 1st January, 1938, to the 30th June, 1938 ?

Mr. C. M. G. Ogilvie : (a) Three officers and 32 men were killed. Of these all the officers were British, and of the other ranks 5.

(b) No additional troops were "pressed into service". I lay on the table a statement showing the additional troops now in Waziristan.

(c) The extra expenditure in the shape of actual cash outlay or abnormal consumption of stores attributable to the operations, incurred between the 31st December, 1937, and 1st July, 1938, is approximately Rs. 38 lakhs.

Statement showing additional garrison now in Waziristan.

II. Q., 3rd Infantry Brigade.*
 3rd Infantry Brigade Signal Section.*
 Two Squadrons, 8th Light Cavalry.
 Detachments, "A" Corps Signals.
 Detachments, Kohat District Signals.
 4th Field Battery.
 19th Mountain Battery.*
 1|5th Mahratta Light Infantry.
 1|10th Baluch Regiment.*
 5|8th Punjab Regiment (less one company).
 3|14th Punjab Regiment.
 1|16th Punjab Regiment.*
 1|17th Dogra Regiment.*
 3|17th Dogra Regiment.
 2|6th Rajputana Rifles.

*These units are now being relieved by the following :—

Headquarters, 1st Infantry Brigade.
 1st Infantry Brigade Signal Section.
 18th Mountain Battery.
 1|1st Gurkha Rifles.
 1|5th Gurkha Rifles.
 2|6th Gurkha Rifles.
 One coy., 1|4th Gurkha Rifles.

1st Light Tank Company.

One section, 11th Light Tank Company.

No. 9 A. T. Coy. (Mule).

Depot, No. 10 A. T. Coy. (Mule).

Two troops, No. 41 A. T. Coy. (C.) (S.).

No. 4 Supply Issue Section.

No. 24 Supply Depot Section.

No. 36 Supply Depot Section.

No. 11 Field Ambulance.

"A" Sub-section, No. 3, Field Hygiene Section.

Maulana Zafar Ali Khan : Will the Honourable Member please state whether there is any likelihood of these operations continuing in the near future ? Are there any indications of the operations continuing for some length of time ?

Mr. C. M. G. Ogilvie : I am unable to prophesy at all about that.

Mr. Abdul Qaiyum : May I know if the expenditure on Waziristan has at any time been normal during the year 1937-38 ?

Mr. C. M. G. Ogilvie : I shall require notice of that ; I think it has been.

Mr. T. S. Avinashilingam Chettiar : Sir, is there not an inconsistency in the answer ? My Honourable friend said that additional troops were not pressed into service and then he gave a list of the additional troops there ?

Mr. C. M. G. Ogilvie : The British Army and the Indian Army do not have to be "pressed into service".

Mr. T. S. Avinashilingam Chettiar : What do you mean by "pressed" ?

Mr. C. M. G. Ogilvie : "Pressed" means what it means, i.e., "compelled to go".

ENACTMENT OF A BANKING LAW.

359. ***Mr. Manu Subedar :** (a) Will the Honourable the Finance Member please state whether Government have received any representation for the enactment of a Banking Act embodying all clauses of the Companies Act, affecting banks and certain other special provisions for the better regulation of banks ?

(b) Is it a fact that both the majority and the minority reports of the Indian Central Banking Enquiry Committee recommended the enactment of a special Banking Act, providing, amongst other things, for the system of licences for doing banking in India, subject to certain safety provisions for the public who deal with such banks ?

(c) Have Government had any correspondence with the Reserve Bank of India on this subject ?

(d) Have Government got the preparation of the Banking Act in hand ? If so, when do they propose to introduce a Bill ?

The Honourable Sir James Grigg : (b) Yes.

(a), (c) and (d). The question was exhaustively examined at the time of framing the Reserve Bank of India Act, 1934, and again in 1936 and 1937 in connection with the amended Indian Companies Act. The provisions of Part XA of that Act are far-reaching and some of them have not yet come into operation.

Mr. Manu Subedar : May I inquire whether, in view of the losses inflicted on depositors and members of the public in the recent banking crisis in South India, Government will give further consideration to the same matter and see whether there cannot be any regulations by which the public can get better protection ?

The Honourable Sir James Grigg : I would ask the Honourable Member to wait until he has heard my answer to a short notice question which will be asked at the end of "questions" today.

LIABILITY INCURRED BY INDIA IN RESPECT OF OFFICERS OF THE ARMY AND THE NAVY.

360. ***Mr. Manu Subedar :** (a) Will the Defence Secretary state whether any additional liability is being incurred by India in virtue of the change in the emoluments of Army officers in the United Kingdom and of the recent decision announced by the Admiralty affecting the conditions of service of officers of the Navy ?

(b) Has this amount been estimated ? If so, how much is it ?

(c) If it has not been estimated, could an idea of the volume of it be given ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). I refer the Honourable Member to my speech of the 9th instant on Mr. Satyamurti's adjournment motion. No appreciable additional liability will be incurred as a result of the change in conditions of service of officers of the Royal Navy.

INCLUSION OF CERTAIN AREAS WITHIN THE LIMITS OF THE ALLAHABAD CANTONMENT.

†361. ***Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state whether it is a fact that there are some three or four outlying areas, known as Bairahna (otherwise called New and Old Iascar Line area), Bhagara, Gulla Bazar, Chethem Lines and Myre-gunj, which are included within the Cantonment limits of Allahabad ?

(b) Is it a fact that these areas are situated at a distance of three or four miles from the New Cantonment of Allahabad and are surrounded by the city municipal and district limits on all sides ?

(c) Is it also a fact that there are no military barracks or lines near or within these areas, and these are inhabited purely by civilian inhabitants ?

†Answer to this question laid on the table, the questioner being absent.

(d) Have Government received a representation from the All-India Cantonments Association for the exclusion of these areas, which once formed part of the abandoned Allahabad Cantonment, from the Cantonment area and their inclusion within the Provincial Civil Municipality and District Board ?

(e) If the answer to part (d) be in the affirmative, what action have Government taken on the representation ?

Mr. C. M. G. Ogilvie : (a), (b) and (d). Yes.

(c) Except New Lascar Lines in the Fort Cantonment and certain houses in Chatham Lines occupied by military personnel, these areas are inhabited by civil population.

(e) The matter has been under the consideration of Government for some time, and a report from the General Officer Commanding-in-Chief, Eastern Command, is now awaited.

ELECTIONS IN CANTONMENTS UNDER THE CANTONMENTS (AMENDMENT) ACT OF 1936.

†362. ***Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state the total number of Cantonments in which fresh elections have not yet been held under the Cantonment (Amendment) Act of 1936 and the reasons for not doing so ?

(b) When are the new elections likely to be held ?

Mr. C. M. G. Ogilvie : (a) Eight.

Sialkot, Kasauli and Murree Gals. The adaptations to the Punjab and North-West Frontier Province Cantonment Electoral Rules were published for objections on the 30th and 9th July. The final notification will be published shortly.

Loralai. The electoral rules are being prepared.

Poona. The adaptations to the Bombay Cantonment Electoral Rules are being prepared.

St. Thomas Mount, Wellington and Cannanore. The Madras Cantonment Electoral Rules have been adapted and finally published in the Gazette of 6th August.

(b) Steps are being taken to expedite elections as soon as the electoral rules have been adapted and other formalities completed.

ATTENDING OF MEETINGS OF THE CANTONMENT BOARDS BY MILITARY OFFICERS IN UNIFORMS.

†363. ***Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary please state if it is a fact that military officers attend the meetings of the Cantonment Boards in uniform and they have to obey the orders of the Officer Commanding the Station, who is also, as a rule, the President of the Cantonment Board ?

†Answer to this question laid on the table, the questioner being absent.
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(b) Are there any instances in which any of the nominated officials have differed from the President? Have Government issued any instructions in this behalf? If so, what?

Mr. C. M. G. Ogilvie : (a) The reply to the first portion is that Government have no information, as the matter is at the discretion of the officers concerned. The reply to the latter part of the question is in the affirmative.

(b) Government have no information. The reply to the second part of the question is in the negative.

EMOLUMENTS OF EXECUTIVE OFFICERS, ELECTIONS OF VICE-PRESIDENTS AND BAZAR COMMITTEES IN CANTONMENTS.

†364. ***Mr. Mohan Lal Saksena :** (a) Will the Defence Secretary be pleased to state whether it is not a fact that under the Cantonments (Amendment) Act of 1936, more than half the emoluments of the post of the executive officer are to be debited to the Cantonment funds? If so, why are motor, house and travelling allowances being debited in whole to the Cantonment funds in certain Cantonment Boards?

(b) Is it not a fact that it was contemplated under the new Act that the Vice-President would be generally elected from amongst the elected members of the Cantonment Boards? If so, what is the total number of non-official elected Vice-Presidents in the whole of India?

(c) Have any powers been delegated to them? What instructions, if any, have been issued by Government in this behalf?

(d) Is it not a fact that the recommendations of the Bazar Committees have in certain cases been turned down, both by the Cantonment Boards and the higher authorities? If so, why?

(e) Is it not a fact that the unanimous resolution of the Lahore Cantonment Board, accepting the recommendations of the Bazar Committee that the area occupied by the Cantonment High School Ground, Mahtabrai Ahata, St. John Garden, Sadar Bazar Market, Sanatan Dharam School, Lal Kurti Bazar, Sadar Bazar wood-stalls, Ahata Ghansi Ram and Idgah, be included in the Sadar Bazar, has been turned down by the Government of India?

(f) What powers, if any, have been delegated to the Bazar Committees and what value, if any, have their decisions?

(g) Is it not a fact that the then Defence Secretary had stated in a speech in the Assembly that Government would not enforce their claims to the lands in Bazar and that they would remove their Military State Officers entirely from Bazars and would hand over their rights in the Bazar lands to the Cantonment Boards in other words, the Bazar Committees of the Boards? If so, why have steps not been taken to implement this assurance?

Mr. C. M. G. Ogilvie : (a) No. Under clause (2) of section 12 of Cantonments Act, not less than one-half of the salary of the executive officer shall be paid by the Central Government and the balance from the Cantonment Fund. The latter part of the question does not arise.

†Answer to this question laid on the table, the questioner being absent.

(b) The attention of the Honourable Member is invited to clause (3) of section 20 of the Cantonments Act. The number of vice-presidents is regulated accordingly. At present there are 40.

(c) Under clause (2) of section 22 of Cantonments Act, it is at the discretion of the President to empower the vice-president to exercise all or any of the powers and duties specifically imposed on him by or under the Act, other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate. The Government of India are not aware of the extent to which presidents have exercised this discretion nor can they interfere with this statutory power of the president.

(d) Government have no information, as section 41 of the Cantonments Act does not require copies of the minutes of board proceedings to be forwarded to the Central Government.

(e) The attention of the Honourable Member is invited to the reply given to Mr. Sham Lal's starred question No. 240 on the 16th August, 1938.

(f) Powers are delegated to bazar committees at the discretion of the Board under clause (e) of sub-section 1 of section 44 of Cantonments Act. The Government of India are not aware of the extent to which powers have been delegated by individual boards but are prepared to make enquiries. The attention of the Honourable Member is however invited to the Government of India, Defence Department letter No. 654-R/D-4, dated the 6th September, 1937, a copy of which was laid on the table of the House on the 14th September, 1937.

(g) Yes. All lands in areas which have been declared by notification under section 43A of the Cantonments Act together with some other lands outside such areas in many cantonments have been entrusted to the management of Boards under Rule 43, Cantonment Land Administration Rules, a copy of which has been placed in the Library of the House.

FUNCTIONS AND SALARY OF THE MILITARY ESTATE OFFICERS.

†365. ***Mr. Mohan Lal Saksena** : (a) Will the Defence Secretary please state the functions and the salary of the Military Estate Officers, and how they compare with the Nazul Officers of the Local Governments ?

(b) Is it not a fact that, besides their duty as Nazul Officers, the incumbents have also to act as Magistrates ?

(c) Are Government prepared to consider the desirability of reducing the scale of these Military Estate Officers, or entrusting the administration of the military lands to the Cantonment Boards ?

Mr. C. M. G. Ogilvie : (a) The duties of the Military Estates Officers are to deal with all questions connected with the acquisition, custody and relinquishment of land on behalf of the army, and with the administration of military land inside and outside cantonments and to safeguard Government's right therein. For their salary, a reference is invited to Army Instruction (India) No. 214 of 1937, a copy of which is available in the Library of the House. Some of their duties are

†Answer to this question laid on the table, the questioner being absent.

similar in type to those performed by nazul officers. The latter, so far as Government are aware, are not as a rule concerned with land acquisition.

(b) Government have no information, but in cases where their work is light it is probable that they do.

(c) No.

MOBILISATION OF MERCHANT SHIPS FOR ASSISTANCE IN TIME OF WAR.

366. ***Mr. K. Santhanam** : Will the Defence Secretary please state :

- (a) whether Government have evolved or have in contemplation, any scheme for the mobilisation of merchant ships registered in India for assistance in time of war ;
- (b) whether they propose to bear the cost of alterations or additions of certain merchant ships for this purpose ; and
- (c) if the answer to part (b) be in the affirmative, what are the nature, extent and conditions of such assistance ?

Mr. C. M. G. Ogilvie : (a), (b) and (c). It is not in the public interest to reply to this question.

STIFFENING OF DECKS OF MERCHANT SHIPS FOR MOUNTING DEFENSIVE ARMAMENTS TO MEET EMERGENCIES OF WAR.

367. ***Mr. K. Santhanam** : Will the Defence Secretary please state :

- (a) whether the Government of India are aware that His Majesty's Government in Great Britain have undertaken at the instance of the Admiralty :
 - (i) to provide selected merchant vessels with guns, gun mountings and ammunition, to enable these vessels to defend themselves in national interests in time of war, and
 - (ii) to bear the cost of stiffening the deck of these vessels for mounting defensive armaments for the above purpose ;
- (b) whether the cost of such stiffening of decks, etc., for this purpose is borne by His Majesty's Government in respect of ships on the United Kingdom Registry ;
- (c) whether they have considered the advisability of taking similar action as referred to in (i) and (ii) above in regard to ships on the Indian Registry, and whether they propose to recommend the owners of the ships on the Indian Registry to stiffen the decks of their merchant vessels for mounting defensive armaments to meet emergencies of war ; and
- (d) whether, in case the owners of the ships on the Indian Registry are prepared to stiffen the decks of the merchant vessels, Government are prepared to bear the whole or any part of the cost ?

Mr. C. M. G. Ogilvie : (a), (b) (c) and (d). It is not in the public interest to reply to this question.

Mr. K. Santhanam : May I know whether any or some kind of information can be given to the public in these matters ?

Mr. C. M. G. Ogilvie : " Any kind " is rather a big order.

Mr. T. S. Avinashilingam Chettiar : May I know whether any discrimination will be made in this matter as between European-owned and Indian-owned ships ?

Mr. C. M. G. Ogilvie : I fail to understand what the Honourable Member is getting at.

Mr. T. S. Avinashilingam Chettiar : In reply to this question the Honourable Member said that it was not in the public interest to reply to this question. I am asking whether any discrimination will be made between merchant vessels that are owned by Indians and those that are owned by Europeans.

Mr. C. M. G. Ogilvie : I do not see how that arises out of this question, but I will state that neither in ships nor in men do Government ever exercise any discrimination between English and Indian.

Seth Govind Das : Will the Honourable Member please state what kind of information it is possible for the Honourable Member to give on this question ?

Mr. C. M. G. Ogilvie : None.

MONEY LENT TO PROVINCES BY WAY OF SHORT-PERIOD LOANS.

368. ***Mr. Manu Subedar :** Will the Honourable the Finance Member state how much money, if any, has been lent to the Provinces, specifying the amount in each case, by way of short-period loans for use by them as cash balances, according to the scheme set out in paragraph 6, appendix III to the Niemeyer Report ?

The Honourable Sir James Grigg : No actual short-period loans were made to Provincial Governments for cash balance purposes. For the year 1937-38, the Central Government continued responsible for the Ways and Means arrangements of the Centre and the Provinces combined. If and when the balance of any province fell below the agreed minimum, the Centre bore the cost so far as it was due to revenue transactions and the province so far as it was due to non-revenue transactions.

INDIAN CHIEF JUSTICES OF HIGH COURTS.

369. ***Mr. Manu Subedar :** (a) Will the Honourable the Home Member please state in how many High Courts in India the office of Chief Justice is occupied by an Indian ?

(b) During the last fifteen years, in which High Courts have Indians held this office not *pro tem* and acting, but as permanent incumbents ?

(c) Is the appointment made in consultation with the Government of India, or not ?

The Honourable Mr. R. M. Maxwell : (a) to (c). Permanent appointments to the High Courts are made by His Majesty under section 220 of the Government of India Act, 1935. The subject matter of this question is, therefore, not the concern of the Governor General in Council.

Mr. Manu Subedar : Are any recommendations made by the Government of India in this matter ?

The Honourable Mr. R. M. Maxwell : No, Sir.

SUPPLY OF HATS TO INDIAN TROOPS.

370. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will the Defence Secretary be pleased to state if it is proposed to supply hats to all Indian troops, except the Sikhs, in lieu of *pugree* in future ?

(b) If so, will Government please state the reason or reasons for the proposed change ?

Mr. C. M. G. Ogilvie : (a) The proposal to substitute a felt hat for the *pagri* has been under consideration for some time as a result of representations received from units but no decision has yet been reached.

(b) The reasons for considering the question are that the *pagri* is stated to be unsuitable under modern conditions of warfare owing to :

- (i) Its length and weight. Its excessive weight is a predisposing cause of heat stroke.
- (ii) It is difficult to keep it in position on the head during rapid action. Indian other ranks have been noticed, in hill warfare, to carry the rifle in one hand and hold the *pagri* in position with the other.
- (iii) It is conspicuous on field service.
- (iv) It gives no shade to the eyes.
- (v) It has serious disadvantages from the point of view of arranging for protection from gas.

Mr. Lalchand Navalrai : May I know if it is the units which have asked for this, or it is the Government of India who are forcing them to do that ?

Mr. C. M. G. Ogilvie : I said quite clearly, I hope, that the matter was considered as a result of representations from the units themselves. The Government have by no means made up their mind in the matter yet.

(b) WRITTEN ANSWERS.

CONVERSATIONS BETWEEN THE WAR OFFICE AND THE GOVERNMENT OF INDIA.

371. ***Mr. Abdul Qaiyum :** Will the Defence Secretary be pleased to state :

- (a) whether the conversations between the Government of India—through Sir Ivo Vasey and others—and the War Office have resulted in any agreement ;

- (b) what the particular subjects were which were discussed during the conversations ;
- (c) whether the talks have ended ; if not, how long they are likely to last ;
- (d) whether Sir Ivo Vassey and his companions have submitted any report to the Government of India ;
- (e) if so, whether the report will be made public ; and
- (f) whether these talks are likely to result in more money being spent on the army in India ?

Mr. C. M. G. Ogilvie : (a)—(f). I refer the Honourable Member to my replies to starred questions Nos. 95, 113 and 131 asked on the 10th instant on the same subject and to supplementary questions arising therefrom.

ASSESSMENT OF INCOME-TAX AND SUPER-TAX FROM NON-RESIDENT PERSONS AND COMPANIES.

372. ***Prof. N. G. Ranga :** Will the Honourable the Finance Member be pleased to state :

- (a) the total number of non-resident persons and total number of companies who were assessed and were required to produce the balance-sheets and profit and loss accounts of their Indian as well as world business transactions, under sections 4 (1), 42, 43 and paragraph 111 of the Manual of the Indian Income-tax Act of 1922, during the last year of income-tax and super-tax assessment ;
- (b) the total number of non-resident persons and total number of non-resident companies who submitted duly filled forms required under paragraph 111 (viii) of the Manual of the Indian Income-tax Act of 1922, giving their total world income, and who claimed refund under section 49 of the Indian Income-tax Act of 1922, during the last year of income-tax and super-tax assessment ; and
- (c) the total world incomes and Indian incomes of these non-resident persons and non-resident companies, showing separately for persons and companies ?

Mr. A. H. Lloyd : (a), (b) and (c). Some of the information required is not available and the rest can only be obtained from a study of all the individual proceedings arising in connection with assessments. I do not think that the value of the information would be commensurate with the amount of time and labour spent in collecting it.

PROPOSAL TO SPLIT THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

373. ***Mr. K. Santhanam :** Will the Honourable the Home Member please state :

- (a) whether it is proposed to split the Department of Education, Health and Lands into two separate sections, each in charge of one Secretary, and both under one Member of the Executive Council ;

- (b) the reasons for this change ;
- (c) whether this change will cost any additional expenditure to the Indian exchequer ; and
- (d) if so, how it is justified ?

The Honourable Mr. R. M. Maxwell : As the question of the re-constitution of the Departments is still under consideration, I am not yet in a position to give any information.

REPORT PUBLISHED IN THE *Daily Sainik* ENTITLED " INDIAN NAVY TO BE DOUBLED ".

373A. ***Pandit Sri Krishna Dutta Paliwal :** Will the Defence Secretary be pleased to state whether his attention has been drawn to the report published in the *Daily Sainik*, Agra, dated the 8th July, 1938, under the caption " Indian Navy to be doubled " ?

Mr. O. M. G. Ogilvie : Yes.

SHORT NOTICE QUESTIONS AND ANSWERS.

Mr. President (The Honourable Sir Abdur Rahim) : Short notice
12 NOON. questions.

The Honourable Sir James Grigg : Would you, Sir, direct the Honourable Mr. Satyamurti to read both his questions and also another Honourable Member who has got down a short notice question before I give my answer, because I propose to give a general answer to all the three questions ?

RECENT BANK FAILURE IN SOUTH INDIA.

Mr. S. Satyamurti : Will the Honourable the Finance Member please state :

- (a) whether a prominent Bank in South India, with branches all over India and with a working capital running into crores, suspended payment on the 21st June, 1938 ;
- (b) whether, in consequence, it is a fact that life savings of a large number of people are gravely imperilled ;
- (c) whether it is alleged by the management of the Bank that want of timely assistance by the Reserve Bank of India within the limits of the act is responsible for their failure to meet the obligations against the protracted run on the Bank ;
- (d) whether, following the failure of this Bank, a run started on other South Indian scheduled banks of sufficient gravity to call for the presence at Madras of the Deputy Governor of the Reserve Bank for a number of days to allay panic ;

- (e) whether the scheduled banks submitted a memorandum to the Reserve Bank of India ;
- (f) whether the South Indian Chamber of Commerce criticised the *non possumus* attitude taken by the Reserve Bank ;
- (g) whether the *Hindu* in its editorial, dated the 15th July, 1938, reviewing the relations between the Reserve Bank and scheduled banks pointed out that the Act should be interpreted in conformity with practice obtaining in the country and that the scheduled banks are entitled to know clearly and unambiguously where they stand with the Reserve Bank in respect of their privileges both in normal as well as in abnormal times ; and
- (h) whether the Reserve Bank authorities are discharging the obligations imposed on them by section 17 of the Act in the manner and to the extent contemplated by the Act ?

WORKING OF THE RESERVE BANK OF INDIA.

Mr. S. Satyamurti : Will the Honourable the Finance Member be pleased to state whether the Government of India will call for a report from the Reserve Bank of India on the working of its banking department with special reference to the following :

- (a) the extent to which rediscount facilities in terms of section 17 (2) were availed of by scheduled banks during the three years of its working ;
- (b) whether any applications for rediscounts were rejected and, if so, for what reasons ;
- (c) whether any attempt has been made to establish closer contact with scheduled banks in normal times with a view to understanding their needs and requirements and appreciate their difficulties and disabilities in practical working ;
- (d) whether the Reserve Bank has made any attempt to build up an independent investigation bureau, apart from the Imperial Bank ;
- (e) whether the Bank, in practice, has sought to impose restrictions on the limits of discounting allowed to any scheduled bank in normal and abnormal times even on bills offered as prescribed by them ;
- (f) the extent to which facilities contemplated under section 17 (4) (d) have been availed of by scheduled banks ;
- (g) whether applications made by banks in terms of this section were turned down, because the conditions of advance as laid down in this section had been interpreted to apply to future developments of warehousing systems and not to present facilities ;

- (h) whether this view was persisted in, in spite of more normal and natural interpretations forthcoming and better in accord with the assurances of the Honourable the Finance Member at the time ; and
- (i) whether in view of the actual needs of banks, especially in times of crisis, the Reserve Bank has ever approached the Government of India for being invested with powers for advancing loans to the scheduled banks on their promissory notes backed by titles of documents to goods in the custody of the Bank ?

Mr. Lalchand Navalrai : Sir, I rise on a point of order. If the question is a long one and contains so many parts, a copy of it should be supplied to the Honourable Members so that they may be able to follow the answer.

Mr. President (The Honourable Sir Abdur Rahim) : The reason why all these short notice questions are read out is that copies of them could not be supplied to the Honourable Members. Other questions are not read out because they are available to Honourable Members.

RECENT BANK FAILURE IN SOUTH INDIA.

Mr. Sami Vencatachelam Chetty : (a) Will the Honourable the Finance Member please state if Government are aware that during the recent banking crisis in South India, the Reserve Bank of India refused to rediscount the promissory notes on demand of the clients of the scheduled banks on the ground that the promissory notes on demand were not the promissory notes maturing within ninety days ?

(b) If so, do Government agree with that view, though the promissory notes on demand were realisable even immediately ?

(c) Are Government aware that consequent on such iliberal interpretation of section 17 (2) of the Act, no scheduled bank in South India during the recent crisis was able to obtain any help from the Reserve Bank ?

(d) Is it a fact that the Reserve Bank refused to recognise the pledge chits of the clients of the scheduled banks for re-pledging with the Reserve Bank for temporary accommodation ?

(e) Is it a fact that the Reserve Bank was on the other hand prepared to accept railway receipts and warehouse warrants of goods and not the actual possession of goods by the banks for the purpose of advances by the Reserve Bank ?

(f) Is it a fact that there exist no facilities for warehousing and issuing of warrants thereon of storage in such warehouses ?

(g) Is it a fact that a large bulk of advances of the scheduled banks consist of (i) advances on promissory notes payable on demand of one or more parties, but without any security therefor, (ii) advances on similar promissory notes backed by the security of goods in possession of the bank

under documents of pledge, and (iii) advances on similar promissory notes on the security of letters of hypothecation whereby the borrowers agree to hold a certain quantity of goods in trust, or as bailies for the bank ?

(h) If so, is it a fact that, as matters stand at present, the Reserve Bank will be unable to function as bankers' bank ?

(i) Is it a fact that the only facility of advance to the scheduled banks remaining is to advance double the deposit money of the scheduled bank, and if such assistance is very meagre ?

(j) Is it a fact that investigation of credit of clients of the scheduled banks is carried on through the agency of the Imperial Bank ?

(k) Have representations been received by Government that such investigation through the Imperial Bank is resented by the scheduled banks, as the Imperial Bank is very often a competing bank ?

The Honourable Sir James Grigg : With your permission, Sir, I would like to reply to the three questions together, and I think it will be more satisfactory if I made a general statement which will cover the various points which have been raised. I do this because of the wide interest which has been taken in this matter but I should like to re-iterate what I have said previously about the confidentiality of communications between the Reserve Bank and Government and to say that any departure which I make in this statement from this general rule is not to be regarded as a precedent.

The affairs of the Bank in question are now before the Courts, and the Reserve Bank, with the permission of the Madras High Court, conducted a preliminary investigation into its affairs and has submitted its opinion to the Court. In the circumstances, it would be improper to inquire at this stage into the relationship between that bank and the Reserve Bank or to make other enquiries which are intimately connected with a matter which is *sub judice*.

The closure of that bank had temporary repercussions on other banks in South India, and the Deputy Governor of the Reserve Bank went to Madras to look into the situation. The actual run on the scheduled banks, however, was slight and was stopped by the issue of a communiqué by the Reserve Bank that it considered the general banking position sound, and that it saw no reason why other South Indian banks should be adversely affected by the closure of the Travancore National and Quilon Bank in circumstances which were peculiar to it.

Several requests for financial assistance were made by the scheduled banks, and the Reserve Bank met them to the extent which it judged sufficient, and which in fact proved sufficient, to meet the situation. Government have no reason to believe that the Reserve Bank authorities did not adequately discharge their obligations under the Reserve Bank Act. Government are in continuous touch with the Reserve Bank through their official director on the Central Board and are satisfied that the Bank's legal powers are adequate to enable it to assist banks which are soundly run ; and that, despite certain criticisms which appear to have been levelled against the Bank, on this occasion, it used them adequately and on proper lines and in conformity with the Reserve Bank Act. As regards individual

transactions with scheduled banks, both on this occasion and previously, the relations between the Reserve Bank and the scheduled banks must be confidential, if the interests of the latter are to be properly safeguarded, and Government therefore do not consider that it would be desirable to seek or give any further information as to the types of bills discounted or the advances made to scheduled banks beyond the totals which are published in the weekly returns of the Reserve Bank.

The Reserve Bank fully realises that if it is to be in a position to render timely assistance to soundly run banks which may find themselves in temporary difficulties, it must keep in close touch with their affairs when they are running smoothly, and it has on several occasions indicated to them its desire to do so ; but the ability of the Reserve Bank to keep in touch with them clearly depends largely on the scheduled banks themselves, as the Reserve Bank cannot compel them to disclose their affairs to it. It is, however, again addressing them in this matter.

As regards the various types of security which it may accept under the Act, there appears to be considerable misapprehension. The Reserve Bank did not refuse assistance in any instance on technical grounds ; but it naturally reserved discretion to limit its assistance to what it considered necessary and under the most appropriate security. This is the first occasion in the history of the Reserve Bank in which assistance has been required on account of a run, and though, so far, it considers its legal powers adequate (and, after all, the powers given to the Bank in the Act were based on a most careful examination of central banks in other countries), it is examining them in the light of their recent practical application and will invite the comments of the scheduled banks. If, thereafter the Bank considers any further powers desirable it will no doubt report to Government.

Mr. S. Satyamurti : With reference to all these questions put together, it is rather extremely difficult for us to ask supplementary questions, but we will do our best. With reference to the first question put by me, I want to ask specifically about part (g) whether the complaint in the Editorial of the *Hindu* as to the interpretation of the relations between the Reserve Bank and scheduled banks, specially to bring them into conformity with the practice obtaining in the country has been examined by the Government. I am asking particularly with regard to goods the title deeds of which are in possession of the Bank, as distinguished from a warehousing system which does not exist in the country.

The Honourable Sir James Grigg : I have given rather a long answer. I might suggest that Honourable Members might study it and then consider whether any further questions are really required to elucidate the position ?

Mr. S. Satyamurti : May it stand over then till sometime later on ?

Mr. President (The Honourable Sir Abdur Rahim) : It cannot be done today.

The Honourable Sir James Grigg : I may say that if questions are put down on any new points, not merely repetition of old ones, I am quite prepared to consider accepting short notice.

Mr. Manu Subedar : May I enquire, in view of what has happened and without any reference to the existing banks which are suffering or may have suffered, with regard to the future, whether Government will consider the desirability of examining the position and prepare a draft for a proper Bank Act which would give sufficient direction to all the principal Banks and give the Reserve Bank the power to compel information which the Reserve Bank, according to the statement of the Honourable the Finance Member, has not got at present ?

The Honourable Sir James Grigg : I have got two answers to the question, firstly, the matter with regard to Bank Act I have already answered and said that that was considered very carefully at the time of the Reserve Bank Act, it was also considered in connection with the recent Indian Companies Act ; secondly, as I have indicated in my composite reply, there are various questions which will in due course arise out of this incident and no doubt the Reserve Bank will consider all their implications.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 72 asked by Sardar Sant Singh on the 12th March, 1937.

DISPOSAL OF TRAFFIC ON THE RANGOON WIRELESS WORKING ON PHONES.

- (a) Yes.
- (b) No.
- (c) Yes.
- (d) The fact is substantially as stated.
- (e) No, because there is both traffic and technical supervision involved and a telegraph master is not in a position to exercise proper supervision without the assistance of a wireless operator.
- (f) Does not arise in view of the replies to parts (b) and (e).

Information promised in reply to starred question No. 729 asked by Mr. J. D. Boyle on behalf of Lieut.-Colonel Sir Henry Gidney on the 9th March, 1938.

PERSONS IN THE LOCO. AND TRAFFIC DEPARTMENTS ON STATE RAILWAYS DEGRADED TO LOWER GRADES AND NON-GRANT OF GRADE INCREASE TO CERTAIN DRIVERS AND GUARDS.

(a) On the Eastern Bengal Railway 133, East Indian Railway 565, Great Indian Peninsula Railway 1,146, and North Western Railway 848.

(b) and (c). Presumably the Honourable Member wants to know the number of the 'demoted' men who still remain to be promoted to their former posts and grades, if so, it is 15 on the Eastern Bengal Railway, 46 on the East Indian Railway, 52 on the Great Indian Peninsula, and none on the North Western Railway.

(d) I am not aware of any cases where drivers and guards have been refused increments to which they are entitled ; but if cases not governed by disciplinary orders can be specified, further enquiries will be made.

Information promised in reply to parts (a), (b) and (c) of starred question No. 103. asked by Mr. B. B. Varma on the 28th March, 1938.

REFRESHMENT CARS ON STATE RAILWAY.

Particulars of Restaurant Cars on State-Owned Railways.

Railway.	Number of Cars		Capital Expenditure on	
	Supplying English food.	Supplying Indian food.	Cars supplying English food.	Cars supplying Indian food.
			Rs.	Rs.
Assam Bengal ..	3	..	92,010	..
Bengal Nagpur	13	2	7,04,065	40,504
Bombay, Baroda and Central India	24	10*	9,82,584	1,87,348
Eastern Bengal ..	5	..	2,12,010	..
East Indian	19	5	8,31,582	2,21,833
Great Indian Peninsula ..	33	8	22,09,546	2,79,524
Madras and Southern Mahratta	14	31	3,96,700	2,70,382
North Western ..	18	7	8,91,682	2,75,216
South Indian	10	14	2,70,963	1,62,712

Information promised in reply to starred question No. 1319 asked by Mr. N. M. Joshi on the 11th April, 1938.

INDIAN SEAMEN SERVING ON THE UNITED KINGDOM REGISTERED SHIPS IN THE COASTAL AND OVERSEAS TRADE OF INDIA.

Year.	No. of seamen.
1932-33 ..	45,666
1933-34 ..	38,991
1934-35 ..	40,949
1935-36	41,315
1936-37	35,973

* Includes 6 Bogie III class carriages in which separate compartments are set apart for Hindu and Mohammedan catering.

Information promised in reply to part (b) of starred question No. 102 asked by Bhai Parma Nand on behalf of Mr. Lalchand Navalrai on the 10th August, 1938.

LOTTERY TICKETS SOLD BY THE TOURIST AGENCY IN CONNAUGHT CIRCUS, NEW DELHI.

(b) The Tourist Agency was closed early in 1937, and so far as I am aware no other Agency is carrying on a lottery business in Delhi.

MOTIONS FOR ADJOURNMENT.

GOVERNMENT OF INDIA'S REFUSAL TO AMEND CERTAIN PENSION RULES.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Avinashilingam Chettiar has given notice of a "motion for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the decision of the Government in having dropped the proposal recommended by the Auditor-General to amend the rules so as to make it possible for Government to recover from pensions any losses caused to Government by the negligence or fraud of officers before retirement as disclosed from the communiqué issued by the Government of Madras published in the *Hindu* dated the 13th instant and received here on the 17th instant."

I should like to know how long these rules have been in existence which the Government of India refused to amend.

Mr. T. S. Avinashilingam Chettiar (Salim and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : These rules have been in force since a very long time. It has been suggested by the Auditor-General that the rules should be amended.

Mr. President (The Honourable Sir Abdur Rahim) : There are many other rules, I suppose, of the Government of India which 25 Honourable Members of this House may object to. That is no ground for an adjournment motion. I disallow the motion.

BREACHES ON THE EAST INDIAN RAILWAY LINES IN THE DISTRICT OF MURSHIDABAD IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of another motion for adjournment from Mr. Akhil Chandra Datta. He wants to "move for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, viz., the failure of the Railway Board to sanction and provide breaches on the East Indian Railway lines in the district of Murshidabad in Bengal resulting in the collapse of half of the embankment surrounding Behrampore town and endangering the other half of the embankment and causing danger to life and property in an extensive area".

Is it your case that the Government should have anticipated the amount of rainfall ?

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : I submit, Sir, it has been raining, raining and raining, and the Government did not take any steps. The Railway Board were in possession of all the facts which would go to show that the embankments would have collapsed.

Mr. President (The Honourable Sir Abdur Rahim) : I rule that the motion is out of order.

ELECTION OF TWO MUSLIM MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

" That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice* Maulvi Syed Murtuza Sahib Bahadur, M.L.A., and Khan Bahadur Shaikh Fazl-i-Huq Piracha, M.L.A."

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

" That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, two Muslim Members to sit on the Standing Committee on Pilgrimage to the Hedjaz, *vice* Maulvi Syed Murtuza Sahib Bahadur, M.L.A., and Khan Bahadur Shaikh Fazl-i-Huq Piracha, M.L.A."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : I may inform Honourable Members that for the purpose of election of two Muslim members to the Standing Committee on Pilgrimage to the Hedjaz the Notice Office will be open to receive nominations upto 12 Noon on Thursday, the 25th August, 1938, and that the election, if necessary, will be held on Monday, the 29th August, 1938. The election which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will, as usual, be held in Committee Room ' B ' in the Assembly Building between the hours of 10-30 A.M., and 1 P.M.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by Mr. C. M. G. Ogilvie on the 15th August, 1938 :

" That the Bill to amend the criminal law be taken into consideration."

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : Sir, I have been listening to the speeches of my Honourable friends of the Opposition and I find that most of the arguments advanced by them were irrelevant. Mixing up this ordinary Bill with Imperialism is a great mystery and this mixing up will lead us to difficulties and misunderstandings. There is no doubt that India wants its armies to be nationalised and every Indian patriot wants that as soon as possible. That is our first and foremost object ; but if our friends on the other side put obstacles in the way of these ordinary Bills, it would not be

possible to Indianise the army. Our ultimate goal, undoubtedly, is that the Indian army should be officered and led by Indians ; but what would be the result if my Honourable friends opposite were to oppose these ordinary measures which prevent mischief-mongers from playing with the army ? What will happen if there is no army ? The result would be as a poet said :

“ Aenge ghussal Kabul se, Kafan Japan se.”

“ Then you bring undertakers from Kabul and coffins from Japan.”

Even if the defence of our country is not completely in our own hands, it does not mean that we should stop a man from enlisting in the army and getting training for defence. In other words my Honourable friends on the other side mean that men should not join the army and Indians should not be trained for defence. It is a ridiculous idea to stop Indians from being trained in the Indian army ; it is very injurious and equal to suicide. Can they realise that when India will be free, this army which is now under training will stand any danger from any country that will invade India ?

As I was saying, Sir, most of the previous speakers advanced arguments which have no bearing on the Bill under discussion. Some of my Honourable friends read quotations, specially my Honourable friend, Sardar Sant Singh. Being a schoolmaster once, I do not mind his reading out quotations ; but he has dealt with Palestine, racial discrimination, foreign policy, frontier policy and all other questions which have no bearing on the subject matter of the Bill. I hoped, Sir, that you would intervene to stop some of the nonsensical speeches which have been made here. Sir, my Honourable friend, Sardar Sant Singh, mentioned me three or four times and so I will say something on what he said. So far, Sir, I have honestly failed to understand whom he represents. You have seen in the papers that the other day he attended a conference of non-agriculturists at Lyallpur to protest against the Bills which have been passed by the Punjab Government.

Mr. M. S. Aney (Berar : Non-Muhammadan) : Sir, is all this relevant to the Bill ?

Captain Sardar Sir Sher Muhammad Khan : Again, the other day, he was pleading the cause of the martial races and he said that his community has given more recruits and got more honours than others. I want to know what his community is.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must not refer to any personal matters.

Captain Sardar Sir Sher Muhammad Khan : More than once he fought the battle of the creditors. The House will remember that last year on the Insurance Bill

Mr. President (The Honourable Sir Abdur Rahim) : That has nothing to do with this Bill.

Captain Sardar Sir Sher Muhammad Khan : Sir, he mentioned my name four times, and I have mentioned him only three times !

[Sir Sher Muhammad Khan.]

Now, Sir, about the Indian army, he was talking about the Indian army and martial classes and soldiers. There is no doubt that old Indian history tells us that they were divided into four classes even in old India, the Brahmans, Kshatriyas, Vaishyas and Sudras, and it was the duty of Kshatriyas to fight and of Brahmans to learn. I may tell my Honourable friend that the Indian army is composed of all the martial classes who are tested soldiers, on behalf of whom I say :

"Sau pusht se hai peshai-aba sipahgari

Is Jang-i-zargari hi se izzat nahin mujhe."

"For thousands of years our profession is soldiering ; sham fights and mock fights are not the source of honours to us."

Now, Sir, I come to the object of this Bill. It is really meant to penalise the activities of the mischief-mongers who dissuade young men from joining the army or persuade soldiers already in the army to rebel. I ask my Honourable friends who are sensible whether any Government would allow that. Even the Governments run by my friend, Mr. Satyamurti, would not allow the mischief-mongers to play with the army and ask soldiers to rebel. No Government in the world would allow that sort of thing. And I think the punishment proposed by my Honourable friend, viz., two years' imprisonment, is too light. If you read Hitler's orders you will find that disobedience of his orders involves capital punishment even in manoeuvres. And my Honourable friend should have proposed death as the penalty for interfering with the army.

An Honourable Member : When you are Commander-in-Chief, you will shoot everybody.

Captain Sardar Sir Sher Muhammad Khan : If any one does that, that is to play with the army when I am Commander-in-Chief, I will deal with him like a soldier. I was very sorry to hear some Members saying it was perfectly right and justifiable that men should go and ask soldiers to rebel. My friend, Sardar Sant Singh, quoted from a book (Inter-rptions).....

Mr. President (The Honourable Sir Abdur Rahim) : I must ask Honourable Members to restrain themselves. Every Honourable Member has a right to speak without being interrupted in this House, and not only certain Members.

Captain Sardar Sir Sher Muhammad Khan : He even justified that men should be allowed to go and ask sepoys to mutiny and rebel. I do not think any Government, even a Congress Government, would allow that. So I would ask my Honourable friends to keep the army away from politics. Politics is poison for the army. If there is no loyalty and discipline in the army, my Honourable friend, Mr. Sham Lal, must remember that he and his community would be wiped out from India.

An Honourable Member : What is his community ?

Captain Sardar Sir Sher Muhammad Khan : Bania. As we all know, we all want the army to be composed of efficient soldiers, but soldiers are not made in factories. You can make Governors and Viceroy's but can you make a single Colonel or General overnight ? It takes thirty

years even to command a Battalion or Brigade or to become a Colonel or a General. So it is not an easy question. The difference between me and Honourable Members opposite is that they are men of words and I am a man of action. My friend, Mr. Gadgil, whose labour I appreciate, really put the right figures and facts about the field for recruiting and that this agitation had no effect on recruiting. But does he mean to say that the Government should sit still with folded hands, and should not introduce some measure to stop these things? These men are preparing the ground for mischief; and when war breaks out, these people will be let loose and they will spread this propaganda. So Government is quite right in bringing forward this legislation. You cannot be digging a well when the fire has broken out—you must have a fire brigade ready and then only you can tackle the fire.

My Honourable friend, Mr. Sham Lal, I think, said that he was sorry that only the sons of landlords and titleholders were enlisted in the army. I wish Government had done that, and I blame Government for not doing that. They are enlisting banias' sons and that is why Sir Philip Chetwode said in England that the best type was not forthcoming. If banias' sons had not been recruited and if only real landlords' sons and titleholders' sons had been recruited, Sir Philip Chetwode would not have said a single word against them. I remember a story here which Mr. Sham Lal may like, but I am sorry I cannot say it in this Honourable House. (*Cries of "Go on" .*)

Now, I come to my friend, Mr. Abdul Qaiyum. It is all very well to get up here and deliver fiery speeches with no statesmanship or tact in them. My Honourable friend must remember that he is not talking in the streets of Peshawar to tongawallas and tea-sellers. Here we have men who understand politics and statesmanship.....

Mr. Abdul Qaiyum (North-West Frontier Province : General) : The tea-sellers of Peshawar are far more respectable than the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should withdraw that expression; he should not make that kind of personal remark.

Mr. Abdul Qaiyum : I withdraw the remark, Sir, but.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is saying that he is not making any personal remark against any one, and the Honourable Member (Mr. Abdul Qaiyum) had, therefore, no right to make a personal remark of that nature.

Mr. Abdul Qaiyum : I will withdraw what I said, Sir; but the Honourable Member must also withdraw the aspersions and reflections which he has made on respectable residents of my constituency. I take the strongest exception to it. He does not represent anybody but I represent my people in my representative capacity: why should he call them names? They are far more respectable and better patriots than the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member should not say that, he should withdraw it.

Mr. Abdul Qaiyum : I will withdraw it, but I would request you, Sir, to ask the Honourable Member not to cast any aspersions on my constituents. That is why I stood up. He referred to them contemptuously. I am here to defend their interests. He must withdraw. (*Cries of "Withdraw, withdraw"*.)

Captain Sardar Sir Sher Muhammad Khan : I have said nothing against any one, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member has said that he did not mean to cast any aspersions on any one.

Mr. Abdul Qaiyum : Let him say so, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : He only said that when addressing your constituency you might make that sort of remark. There is a difference between addressing one's constituency and addressing Members of this House.

Captain Sardar Sir Sher Muhammad Khan : I have said nothing against his constituency. My friend has already got so nervous while I have got two more pages for him. Talking and shouting will not do. We are men of action. My friend, Mr. Abdul Qaiyum, said something about the Indian army and that it was of no use. Probably he did not mean it seriously. If he had really seriously meant that, I might ask him who saved him when the Afridis raided Peshawar : who saved him and who saved the Peshawaris ? It was the Indian Army.....

Mr. Abdul Qaiyum : We wanted the Afridis to come. In fact, we welcomed them.

Captain Sardar Sir Sher Muhammad Khan : Then, Sir, I am sorry my friend went on to say..... (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not be interrupted in that way.

Mr. Abdul Qaiyum : But, Sir, is he right in provoking us ?

Captain Sardar Sir Sher Muhammad Khan : If the Afridis had carried him away from Peshawar, who will pay his ransom ?

Mr. Abdul Qaiyum : Do not worry.

Captain Sardar Sir Sher Muhammad Khan : Then he appealed to my Honourable friends of the Muslim League to vote for the Bill. What right has he to ask.....

Mr. Abdul Qaiyum : On a point of information, Sir, I never appealed to the Muslim League to vote for the Bill ; I appealed to them to vote against the Bill.

Captain Sardar Sir Sher Muhammad Khan : All right. A few words more, and I have done. Some Honourable Members said about the defence of Madras and Bombay.....

Mr. N. M. Joshi (Nominated Non-Official) : What do you know of Bombay ?

Captain Sardar Sir Sher Muhammad Khan : I know more than you because Mahatma Gandhi comes from Bombay. Some Members said that they did not want any army for Bombay or Madras and they will look after themselves. What happened when the Emden attacked Madras ?

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Who said all this ? Nobody said that.

Captain Sardar Sir Sher Muhammad Khan : All right. Probably when an enemy comes to Bombay, when you do not have an army, you will go and present an address at the Gateway of India to him. With these words I oppose the motion of Mr. Satyamurti.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I crave your indulgence to permit me to sit down and make my speech. I have got a very severe attack of oedema, and if I stand long, it means torture to me.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : How will you fight ?

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is not well enough to address the House standing, then he can do so sitting.

Mr. Sri Prakasa : Then, he must stand at the close of the speech so that we may know that he has finished.

Maulana Saukat Ali : Sir, I need hardly assure my friend, Mr. Sri Prakasa, that since I cannot run, I will stay fighting while he can run away from the field. I want to take this debate to a somewhat higher level. (Interruption.)

Mr. Sri Prakasa : You are entirely mistaking your man !

Maulana Shaukat Ali : I think my voice is strong enough to reach everybody if they will only exercise a little patience. They can tear me to pieces if they like after they have heard me,—I shall not complain,—but I want my friends to show me a little patience and listen to me carefully before they try to interrupt me. I am a hardened sinner, I have stood the racket a good deal more than any of them here, so they will get no change out of me.

Now, Sir, I have been listening to the speeches made on the floor of the House during the last few days with very great care and interest. The name of my late brother, Maulana Muhammad Ali, and that of mine have been brought in in the course of these discussions, but I do not propose to say much about it. We, Sir, on this side of the House are a small group of Muslim Leaguers, and we have received advice from this side of the House (Government) and from that side (Congress), in fact from all sides to vote with them. One Honourable Member from the unattached side even came over to our Bench and abused us, and, if it was not for the decorum of the House, he would have received a reply which he would have remembered all his life. But, Sir, I do not want to create more tension,—we have already enough tension and excitement in the country,—and I do not want to say anything to increase it. The whole object of this bullying and appealing was that they wanted us to vote with them. I know perfectly well, the Muslim League today is a small, disorganized weakling, it is

[Maulana Shaukat Ali.]

a small group, but we are growing fast and perfectly capable of putting up a fight, and so I think our friends should leave us alone and the question of giving our votes may be left to our own conscience.

I remember very well in the early days when my late brother published his paper, the well-known *Comrade*, a cartoon appeared in it, showing a high caste Hindu standing in front of a poor untouchable grovelling before him saying "Away with thee, but give me thy vote". I am not going to give my vote to anybody unless I am convinced that it is in the interests of Islam, my people and my country. So far, neither the Government nor the Congress listened to us. They both wanted us as camp followers which we refused to be. I would ask my Congress friends to remember one thing—there is a vast difference between us in regard to our policies. My friends on this side (Congress) are advocating the policy of Mr. Gandhi who believes in non-violence in thoughts, in words and in deeds, but how far my friends here carry out their chief's policy in this House is a matter for the world to judge. One should not cast stones at others if he is not prepared to receive them back. Therefore, it would serve no purpose if you abuse me and I abuse you in return, because matters will go from bad to worse.

Sir, I may tell you one thing that we Muslims do not believe in non-violence as a policy. Every one knows it, our Great Prophet (may God's peace be on him) and the Holy Quran have enjoined on us that when we are attacked, we should not hesitate to get up and strike a blow in return. That is our faith, which is entirely opposed to what Mr. Gandhi preaches and they believe in. We are in a minority in India, and so how are we going to meet the present position? I think my friend, Mr. Satyamurti, said that India should have her own army for defence. I don't know if Mr. Gandhi will approve even of an army which would defend by violence. I have been in close association with Mr. Gandhi for several years, and, so far as I know, it was never his policy to resort to violence of any sort under any circumstances, but I do not know if the policy in their camp has now changed. I do not know what is happening there now. We, for our part, Sir, cannot go and ask our Muslim brethren not to enlist themselves in the army in the event of a war; we cannot ask our Muslim brethren to revolt or to start a revolution in case they are called upon to enter the army in large numbers. After all, the army is a big affair, it consists of both Hindus, Muslims and also other castes, and the larger the number of men trained as soldiers, the better it is for our country. But how and where they should be employed is a matter to be decided by us.

Now, Sir, I come to the Khilafatist trial at Karachi in which my brother, myself and other co-workers were tried and sentenced. I was a devoted worker in the Khilafat movement, and the Government of Lloyd George wanted to send our soldiers to Angora and fight against our Turkish brethren, and we said "No". Before we went to prison, I felt the innermost call of my heart which prompted me to take the action I did. Two or three of my friends and, later on, some other friends decided to act and pit ourselves against the might of the British and we were interned. While we were in prison, Hindu merchants and rich men started many funds in Calcutta and Bombay, and clocks were put up to show the daily increase in the contributions, and there was a regular competition between the various

provinces as to which province contributed the most in men and money to aid the British Government. Then we were prompted to take the action we did, because we felt it was necessary to take such action then ; we felt the call and gladly suffered and paid a penalty for our convictions. But, now, we have to be very careful before we give the same advice to our people. Circumstances have changed. Some day we will have to rule our own country ; we will have to administer justice ; we will have to carry on the administration of this country. How are we to carry on the administration of our country without a well trained army of soldiers consisting of all castes and creeds ? I do not want to introduce any distinction between martial and non-martial classes ; we must all be prepared to defend our country. We want Indianisation in the true sense of the word. I know the Government of India are very tardy in this respect. Anyway, Sir, if you really want no army, then alone you can go and tell your people not to join the army ; you can teach them to break the discipline, to revolt and to resort to a revolution and what not, but I strongly feel and do say that we would be wrong ; that will be a very bad thing for everyone of us, because I know that if plague breaks out once on that side, it will spread to this side also. We have to think of a future, and, therefore, I think we should not even in a moment of excitement create a feeling among people which will in the long run recoil on ourselves, and which will be against our own interests.

My young friend, Mr. Abdul Qaiyum, referred to me in his speeches. Sir, I have a soft corner for him in my heart. He was once a pupil of my late brother, Maulana Muhammad Ali ; he was in the Khilafat movement as a young worker. He is in the opposite camp and often talks big. When he does so, my only reply to my young friend is : " I am coming to the Frontier Province, and there we will talk ". I did go there, and he knows the result. In the same way, I shall not try to reply to him here, but when I go to his Province in October next, I shall have my further talks with him. Sir, as things stand today, I see no chances of understanding between us and the Congress. I fear this tension will grow, and I feel also that all of us in this unfortunate position should be very careful to see that we do not aggravate the present condition. I will tell the Congress friends that there is no use abusing your opponents or shouting at them for the sake of getting a vote. That kind of thing will not help any one. You may browbeat and bully a weakling, but you will not succeed in attaining your object. There ought to be a better policy pursued in the interest of the country. I know we Muslims are very few here, we are also in a minority in the country, but we have a certain responsibility as regards our people, and we do not want to create and accept a defeatist mentality, because if in some provinces you happen to be in a huge majority, in four provinces we are also in a majority, big or small, though weak and unorganised today. You succeed in dividing Muslims and in making them to quarrel amongst themselves, because they are not properly organised, but you will fail in your object. Whatever may be, Sir, I want that brave, strong and healthy soldiers from all classes of people, irrespective of caste or creed, should be trained and so this kind of brow-beating a certain section, because you happen to be in a majority, is really a very ugly thing and would do and is doing lots of harm to our country. I warn the House that a moment comes when even the proverbial worm turns, and I think it will not be for the good of the country or of even the majority community. Look at what is

[Maulana Shaukat Ali.]

happening in the world. Suppose the British go away—no doubt, the sooner they do so, the better—but do you think that without any arms, without any preparation, without an army you will be able to do anything? Will you be able to stop other greedy people from coming down upon us? Will you be able to stop other nations, other European nations? They have power, they have trained soldiers, they have military strength and they will come and attack you. Sir, I submit that the opposition to this Bill is wrong. I am perfectly confident that if they want to send Muslim troops to Palestine, we shall not allow them. One or two years' imprisonment will not make much of an impression. There was the Karachi trial where we were likely to get 20 years' imprisonment, but we did not care. We were sentenced to four years' imprisonment concurrently. But it did not stop us. I hope I will not be considered impertinent if I say that this Government, if they ever try to send Muslim troops again to Palestine or Indian troops anywhere against the wishes of the people of India, they will be committing an act of folly if not madness. If they do, we shall work against them as we did before, and what is two years' imprisonment for doing our duty! You start a revolution instead of talking, and I shall be with you. You want Indianisation; you want to open up higher jobs for us. Look at the civilian block opposite. Why do you ask them to resign? Why do you want to go and deprive the poor soldiers only of their meagre livelihood? Today there are about a lakh of Muslim soldiers in the Punjab and they will be left starving and poor if I go and ask them to resign and revolt, as a result of this amendment of my Honourable friend, Mr. Satyamurti. And, what after it? If India was united and there was concerted action amongst us, it would be something, but today you and I are disunited. I do not want to use strong language, I may be tempted to do so, but I apologise if I use strong language which I am tempted to do. I make an earnest appeal to the Congress Group that this kind of thing should stop. In my own humble way, though you may attribute and do attribute it to whatever motives you like, I must persist. I am near the end of my life, life has not been overhappy with me, and the sooner this inglorious life is at an end, the better. We do feel that more Indians should be educated and trained; more Indians should be in the army, so that we may be able to defend our own hearths and homes. Supposing the British go away, when there is a war in Europe—they need not use your army. What is, after all, an army of a lakh or two lakhs? I think England can give two or three lakhs more of soldiers, they are patriotic enough for that. They will say "Don't give us your men. Keep them. We will send our own men".

An Honourable Member : Also women.

Maulana Shaukat Ali : The more honour to them if they send their women to fight, when we men refuse to fight, and it is a matter of shame for us. Supposing the British are beaten in the world war and go out of India, then you would need more army to defend your country. Do other people believe in non-violence as you do? If you lie down on the ground when they attack you, they won't stop, they will go on and will laugh at you, and the whole world will laugh at you. Let us by all means get as much control of the army as possible. Give this Government advice, and if they do not take it, then think of action. There is no use of merely talking. The only result of that is that we quarrel among ourselves over

small things. In this respect I am tempted to tell a story against my brother, Mr. Abdul Qaiyum. When I was a boy, my nurse used to tell me a story. A lazy young man, strong and hefty, came over and asked for service. The employer asked him "What is your name" ?

"*Mera nam hai shakkar para*"—(My name is sugar-candy).

"*Tum khate kitna ho*"—(How much do you eat ?).

"*Mun das bara*"—(Ten or twelve maunds).

"*Pani kitna pite ho*"—(How much water do you drink ?).

"*Matka sara*"—(A whole jarful).

"*Kam kitna karte ho*"—(How much work do you do ?).

"*Main hun nanna bechara*"—(Oh work—I am a poor little boy !).

Mr. Qaiyum, when asked to fight, says "He is non-violent". That is the position. I am not a believer in non-violence. I lived and worked with Mr. Gandhi for several years, as everybody knows, and went about with him, but I could not keep it up, and said "good bye", because I did not agree with him. I say, do not make the tension greater. You may pursue your tactics, you may manœuvre, you may try again mass contact scheme with Muslims, but you will not succeed. I will oppose you with the same weapon, I can do it, and I am a bit of genius in that line. I do not want you to indulge in mass contact. (Interruption.) I do not object to my Honourable friend, Mr. Paliwal's interruption. He is sitting next to Mr. Sri Prakasa who has wit and humour. He ought to take lessons from him before he makes a pointless joke, and I hope he won't mind my quoting an Urdu verse :

*"Lage munh bhi chhirhane dete dete galian saheb
Zaban bigri to bigri thi, khabar liye dahan bigra."*

"You have begun making faces besides abusing. Take care your tongue had gone bad before, the face may also go wrong now."

I hope you will not make this tension worse. You may stigmatise me as a toady or reactionary, accepting bribes from the British. I wish that bribes were given to me from any quarter. At one time, when we were with the Congress, when the Hindus and Muslims were working together, it was said that we were getting vast sums of money from the Hindus. They can reveal true facts now. When we left the Congress, it was said that I was getting huge sums of money from the Government, whereas the Government are not giving even my pension for eleven years. I hope some Honourable Congress friend will move soon that I may be given my back pension.

An Honourable Member : With interest.

Maulana Shaukat Ali : I am a Muslim and do not take interest, but in this case I will become a Hindu and accept compound interest with pleasure. I am extremely sorry that I cannot support this amendment. If the British Government misuse my soldiers and hurt me in my faith,—as I said before, when such an occasion arises—I will act as I did before—I want them to give up Palestine. We Muslims here and elsewhere are 100 millions strong, and the British ought to have more feeling for us than for foreign Jews from Poland, Russia and other places. Palestine is not their country—they left it long ago,—it is our country. We must have it back. I am in

[Maulana Shaukat Ali.]

touch with Palestine, I know every district, every nook and corner of that Holy Land. My brother is buried there, and I have many very dear friends there, and I know the feelings of the Arabs and the whole of the Arab race. Whatever you may do, Palestine will be in the possession of the Muslims and the Arabs. I beg to submit again that this war on the frontier against our Waziri brethren should stop. Don't use this peaceful penetration policy, this "forceful" penetration which it really is. This state of affairs should be stopped, and it will be to your interest and the interest of the British Empire. A strong, contented, powerful Afghanistan, a strong, contented set of brave independent tribes, a contented, brave and organised India, will be of greater use to you than any law or Statute that you can make. That is all I wish to say.

Mr. Govind V. Deshmukh (Nagpur Division : Non-Muhammadan) :

1 P.M.

I have followed the discussion very closely and I am sorry to find that there has been a confusion in the minds of certain persons. I do not attribute it to any perversity. It has been suggested by more than one Member on the opposite side that we, on this side, do not want an army, that persons who are mischiefmongers are going about trying to dissuade persons from enlisting in the army. As a matter of fact, the facts are otherwise. If speeches have been made, it does not appear to me that they had any effect in dissuading persons from enlisting themselves in the army. We have had from Mr. Reality, as he was called, that there is clamour in the Punjab for enlistment, that there is a cry that there should be war, so that they can make money. Then how is it that speeches made are going to dissuade persons from enlisting in the army? I submit that there are no such speeches made or, if they have been made, they must have had some other object. It is wrong, therefore, to suggest that speeches are being made to dissuade persons from enlisting themselves in the army. On this side of the House, it is not our case that there should be no army. Please do not confuse the issues and don't give a dog a bad name and hang it. We do not say that you should not have an army. We are not raising an army for the first time. The army is there. You want to raise a fear in the minds of the public by saying : 'Here are these men who do not want an army. In that case, there will be theft, robbery and arson and so on, and there will be no protection'. Let us be considerate and reasonable and not appeal to passions or any League or any community or religion. Let us face the facts as they are. This Bill which we are considering is in the nature of a muzzle which is meant to silence our conscience. It puts a restraint on our liberty. An attempt has been made to justify the restriction which this Bill imposes upon us by a reference to the enforcement of the Criminal Law Amendment Act in Madras. People fail to appreciate the distinction there is. It is a vain attempt to justify the imposition of restriction by this Bill by referring to the restriction in Madras. There the restriction has been placed by a responsible Government which can be removed by the Legislature purely in the interest of the people ; while the restriction contemplated is by an irresponsible Government in the interest of the foreigners. That is an important distinction which you must not forget. Let me illustrate my point in this way, though the illustration may fall short of the proposition that I have been laying down. There is a person who is suffering from pneumonia. He is advised by the

doctor that he should not sit up. He tells the nurse : ' do not allow the patient to get up '. If the person does not wish to follow the advice he can dispense with that doctor and the nurse if he so desires ; then he takes the consequences. There is another case where a man enters your house and holds a pistol at your head, asks you not to move and ransacks the house and clears it of all valuable possessions. There is a lot of difference between the restriction of freedom in the two cases. You cannot say that both the cases are identical. If Mr. Narang is anxious to have an army first and then going to decide what the policy should be, then he is playing with fire. Let us be guided by experience. We have already an army for years. It is not as if a new army is going to come into existence today. It has been in existence for so many years. Mr. Narang has been here for more years than myself. Certainly he cannot say that when Government wanted to send the army overseas or across the border, Government followed our advice. Let us carefully consider the matter. Even children when once they burn their fingers by touching a certain object, learn by experience and will not touch that object again and they become wiser. You have been supporting and maintaining this army for so many years and what has been the result ?

Let us see what the effect of supporting this Bill would be. It would preclude us, hereafter, from protesting if our armies are sent abroad or across the border. What does the Statement of Objects and Reasons say ? This Bill is intended to punish those persons who dissuade people from joining in the army and from taking part in any war in which the British Empire may become engaged. You want recruits—what for ? For fighting the battles of the British Empire. The Empire is not India. If we pass a Bill like this, then it will be impossible for us to protest when our armies are sent overseas or across the border to fight the battles of the British Empire. If we protest, the Defence Secretary will at once say : ' Look here, gentlemen. Have you read the Statement of Objects and Reasons. The army is raised to fight the battles of the British Empire '. Then you cannot really protest. What does the Bill propose to do ? It proposes to penalize the activities of such persons as wish to dissuade the would-be recruits from fighting the battles in which the British Empire may become engaged. If I tell the recruits not to fight, you can, under this Bill, put me in jail. Have I not fought your battles before this ? And what has been the result ? Colonies have been made comfortable and secure to live in by the Indian labourer and the Indian soldier. Have his brethren got anything ? They do not enjoy today the rights and privileges which even the aliens enjoy in the colonies. Will you support an Empire like this which leaves you in the lurch, which exploits your men and money to maintain itself ? Will you support a Government like this ? Sir, it is really too much to ask us to support this Bill as it is and ask us to fight Empire's battles. What shall we fight for ? Shall we fight because you put restraints on our acquisition and enjoyment of the lands in the colonies ? Shall we fight for the differential treatment you give us in issuing trade licenses ? Shall we fight for the segregated quarters that you have allotted to us for living in ? Shall we fight for denying us franchise ? What shall we fight for ? You have, as a matter of fact, deprived Indians of their lands, of their trade licenses and all their means of living. You are destroying our people by destroying all their means of livelihood. That is the charge which we make against the colonies. England may say,

[Mr. Govind V. Deshmukh.]

"love me, help me", but she cannot say, "love me and love my dogs". Sir, we are not really going to support her dogs whatever that may be. What shall we fight for? Shall we fight because the colonies insult us, because the colonies give threats to us? Is it because we are helpless that we shall fight the battles of the Empire? Recently, Sir, a certain gentleman, who is called Lord Francis Scott, said in an over-lordly fashion :

"We will not tolerate interference from local Indians, the Government of India or anybody else on this particular question".

at a meeting,—referring to the agitation against the Order-in-Council in regard to the Kenya Highlands area. Sir, this threat was conveyed here by Reuter on the 24th January, 1937. He says :

"We will not tolerate interference from local Indians",—and not only that,—
"the Government of India or anybody else on this particular question."

Anybody else means the Imperial Government. Now, if there is a threat like this, are we going to support such colonies who administer threats to our Government like that? Sir, we want you to be a Government possessing some self-respect, we do not want you to go down on your knees as you do now whenever they threaten you. See, Sir, how they hate you. Will you always support them and always defend the cause of the colonies? Think of what this threat means. They do not listen to the emissaries that you send. They do not listen to you and yet you want us to spill our blood and you want us to spend our money and sacrifice our men and do everything that is really desirable only from their point of view. I submit, Sir, I am not saying too much. What you are asking is an impossibility. I ask that every Member should consider these questions and these facts which stare you in the face. Sir, I am not appealing to communal feelings, I ask you to really consider these facts. Do not be oblivious of these facts when you come to vote on the motion for the consideration of the Bill. It has been said, leave aside the colonies, there is this Great Britain. Well, I have dealt with the colonies but I have not got a good opinion about Great Britain either. How has Great Britain acquitted herself? Sir, she has exploited this country for so many years, the country has been drained and, as Lord Hardinge would have said, bled white. This country has been drained to this extent, and shall we support this Government on this motion and spend money? Recruits cannot be had merely for the asking of it. Shall we help you in any war which Great Britain or the colonies might be involved in? Certainly not. Sir, if we take this attitude, there is surely a justification for this attitude of ours. Now, I come to certain exceptions to this clause...

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can continue his speech if he likes after Lunch.

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

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

Mr. Govind V. Deshmukh : Mr. Deputy President, Sir, before I come to the provisions of the Bill, let me refer to the song of the siren sung to enslave us during the course of the debate. There was one Honourable Member who sang this and there may be many more to sing the same song. It has been suggested that the British Empire and India are the same. It was Mr. Shivaraj who said so. Well, we on this side, differ very much, but we are lucky enough to find others on the opposite Benches also differing from him. It was Sir Muhammad Yamin Khan who said that he had objections to the words "British Empire" in the Statement of Objects and Reasons of this Bill, I am very glad that there is one such Honourable Member on the other side, and I would request Mr. Shivaraj to get matters explained from him. Sir, the interests of the British Empire and of India are certainly not the same. Great Britain and the Colonies have de-spoiled us. As it is, it is misery enough that we have been de-spoiled but it is adding insult to injury to be told by these de-spoilers that they are our benevolent benefactors. I should like those Honourable Members who want to support this Bill to say whether they wish to support this Bill, because they like the treatment that is meted out by the Colonies to the Indians or because Great Britain has exploited India. There are no other grounds and no other justification for supporting a Bill like this. At least, I cannot imagine any other ground. Any person who has got self-respect in this House cannot be in a position to support this Bill. It has been suggested that those who go out now dissuading the wouldbe recruits from getting enlisted to fight in wars in which the British Empire may be engaged are mischiefmongers. If you ignore the insults which are offered to the representatives of this Government and to the persons who are their own blood relations and if you also ignore their interests, then certainly you can call them mischiefmongers. But if you respect the interests of your own countrymen and if you have any regard for the self-respect of your own countrymen, then you cannot charge any person who says : ' Oh, do not get yourself recruited for fighting the battles of the British Empire ' as a mischiefmonger. Do not consider that persons on this side have nothing at stake or that they are afraid to fight. There are persons on this side who are equally respectable, who hold a high social status, who are the sons of the zamindars and who will stand side by side to defend this country. They will certainly come forward to join the army if persons on the Opposite Benches will restrict their activities merely to fighting for the defence of this country.

Sir, I do not wish to refer to the provisions of the Bill, but I wish to refer to the two Exceptions. Exception No. 1 says that you are free to criticise the policy. As it is, our freedom to criticise is very much hedged in by the phraseology ' in good faith, so as not to dissuade the recruits ' and so on. After all these phrases, I submit there can be very little freedom to criticise the policy. And what is the good of criticising the policy ? Can we influence it ? I do not think we can be beguiled by this little toy. Has it ever done any good up till now ? We have criticised the policy of Indianisation ; we have criticised the forward policy ; and we have criticised so many other things and yet with no effect. It is, therefore, useless to say that Exception 1 gives us some latitude to

[Mr. Govind V. Deshmukh.]

criticise the policy. Those persons who want to support this Bill should demand first from the Government, a constitutional guarantee that this army shall not be sent overseas and shall not be sent across the border. They should also demand a constitutional guarantee that Government shall abide by the decision of this House. Let us not be indecisive ; let us be definite. To say let us have our own army first and then we will see with whom to fight is full of risks. Experience has taught us that we, as a matter of fact, have no hold over the movements of the army. It may be sent anywhere—to places where you do not desire it to be sent. As my friend, Mr. Abdul Qaiyum, observes, it is giving a weapon in their hands and it is absurd to say afterwards that we will defend ourselves. Sir, the second Exception to this Bill allows a person to give advice to his kith and kin or to his dependants so that they may join or may not join the army. That is the only latitude which has been given. If I can in my own interest advise my kith and kin not to enrol themselves to fight the battles of the British Empire, then I see no reason why anything should prevent me from saying the same thing to the public ? Why should anything prevent me from giving the same advice to people in whom I am interested ? This Bill allows you to love yourself, to care and love your kith and kin, requires you to love the Empire more, but your country never. Sir, I oppose the consideration of this Bill.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division : Non-Muhammadan Rural) : Sir, for the last three days, I have listened to the speeches of the Honourable Members regarding the Bill both in support of this motion, including that of my Honourable friend, Mr. Satyamurti, and against it. Sir, we have been accustomed to all sorts of repressive measures in this land of ours and the authors and sponsors of those repressive measures have taken it for granted that whatever measures of further repression they may introduce will be acceptable to us. Sir, but those who feel that 350 millions of Mother India's children have been kept under foot by this foreign nation for over a century cannot possibly support a measure of this kind. Those who feel they are not happy under subjugation will never support.

Sir, the Statement of Objects and Reasons says :

“ A large number of public speeches designed to dissuade persons from enlisting in the Defence Forces or, in the alternative, to incite would-be recruits to commit acts of mutiny or insubordination after joining those Forces have come to notice during the past eighteen months. The object of the speakers is clearly not the spread of pacifism, but to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged. The Bill is designed to penalise these activities.”

Sir, those who are familiar with or are in charge of the legal aspect of this Bill have declared that this Bill is in order. Now, there is no use questioning the legal aspect. But for those who have been fighting for the freedom of India for over thirty years, this law has no meaning to them, everything in this Bill is out of order. Is it unlawful to ask or persuade a man to tell the truth ? Is it unlawful to ask a man not to steal ? Is it unlawful to ask a man not to be connected with nefarious activities ? If all these are not unlawful, why should it be unlawful for any man to ask his neighbour or his friend or countrymen not to join the army where he has to kill his own kinsmen or where has has to kill people with whom he or they are not at war or be killed for no purpose. This Bill has no moral sanction. A law without any moral sanction

cannot be worth the name of law. The Honourable the Defence Secretary said that this was a non-contentious measure. He did not know that he stuck a hornet's nest and the stings which he must have been so keenly feeling all these days have been fortunately palliated by the sweet speeches of some of my Muslim brethren, in his support. I wonder why my Muslim brethren have thought it fit to support this Bill though they do not contest the proposition that this Bill forges another link to our chain of bondage. I could not follow why our Muslim friends thought it wise to support the Government when the Government are forging fetters after fetters on us. The preamble to the Bill says :

"Whereas it is expedient to supplement the criminal law by providing for the punishment of certain acts prejudicial to the recruitment of persons to serve in, and to the discipline of, His Majesty's Forces ; It is hereby enacted as follows :"

Clause 2 (a) says :

"2. Whoever :

(a) wilfully dissuades or attempts to dissuade the public or any person from entering the military, naval or air forces of His Majesty, or "

Sir, it wants us to help recruitment and lead our countrymen to join the British army when they go to war against other nations.

Sir, the British Government in India, in the name of the Empire is appealing to our loyalty. They have traded on our loyalty for over a century. They have misused, misinterpreted our loyalty to the Crown. Loyalty truly means that one must be true to himself. I submit that if any Indian is loyal to himself, he cannot be loyal to the British Government which is a government of the conquerors. There cannot be any love between the conquerors and the conquered. Whenever any man tries to create by any Act or any law a feeling of loyalty or love between the conquerors and the conquered, I say emphatically that that man is doing a harm, a wrong to the conquered. There cannot be any psychological or moral explanation of love between the conquerors and the conquered. If any law is to be introduced and passed in any Assembly, it must be a law to help us to free us from the fetters of bondage and to further our efforts to make us independent. If in the course of our legislative life, we become a party to any law which will bind us further and further, we shall be false to ourselves and to our constituency. My Honourable friend, Mr. Joshi, suggested that in order to counter the mischief by the preachers dissuading people from joining the army, the Government should employ propagandists persuading people to join the army. He suggested that Government should subsidise newspapers and appoint preachers to preach in the villages to the effect that the British Government is a benevolent government and that it stands for the protection of the people of India. I submit, Sir, the Government have a guilty conscience ; therefore, they cannot try it. This Bill is undoubtedly the outcome of an extreme nervousness on the part of the Government due to guilty conscience. The Indians have been bled for England in many wars. We have been bled in China, we have been bled in Africa, in France, Turkey and other places. The Government have been trading on our loyalty and been treating us as serfs all these years. What has India gained thereby ? It may be said that we are ruling in seven provinces. But I do not share these feelings or these views. I do not believe that we have got even a part of independence, not even the shadow thereof. Sir, those provinces which are seemingly enjoying power must be careful about their

[Mr. Amarendra Nath Chattopadhyaya.]

position. It may sound vulgar, but I feel that their position is like the position of mistress of an intoxicated lover or they are tenants at will. The Government, whenever they come to their own after the international tangle is over, will come with all its forces and show these Ministers the way to the jail again. I feel constantly, in whatever position I am, either as a Congress worker or as a legislator or in my own home, that I belong to a subject race. I cannot forget that India is a subject race and there cannot be any question why India should be a party to any war in which she has no concern. Our European friends here know best what will become of England if the Empire vanishes. Sir, England was a mere dot in the map of the whole world and became large after coming into contact with and securing India. They have secured the Empire at the cost of India's money and India's blood, and if the Empire vanishes today India will not be a loser. It is India which has nourished and fattened Britishers. If the Britishers leave the shores of India today, India will lose only a band of exploiters and nothing else. Sir, this Government during all these years have done nothing for the good of India. (*Voice of "Question"*.) There can be no question about this. The first 60 years of British rule, which was Government by the East India Company, was pure loot and nothing else; the second 60 years was a period of consolidation and the last 60 years have been a period of broken pledges and promises. What else have Indians got from the British?

An Honourable Member : What about the next 60 years?

Mr. Amarendra Nath Chattopadhyaya : That will be the period of India's freedom because I believe in India's freedom. Sir, our relationship with England is the relationship of the eater and the edible. They feed upon us and no one can deny that. Only a few minutes later when there will be voting upon this we shall see these European friends of ours going to the Government lobby, perfectly knowing that this Bill is not worth the paper on which it is printed, knowing that this Bill is not one which should be brought forward when England is promising more power to Indians. This Bill shows the sordid mentality behind Government. They have been professing to give us more power and they have been telling us in season and out of season that they are going to give us Provincial Autonomy and also this Federation. The Government of India Act has been given and we have fought against it; we are going to fight the Federation also. But where is the genuineness of the promise when we find this Bill which is going to deprive us of the eternal right of persuading a man to do what is good and of dissuading him from doing what is wrong? Sir, why should any Indian join the British army? (*A voice : "The Indian army"*.) Where is the Indian army? Is there an Indian army here? It is British army of occupation in India. Wherever and whenever any Indian soldier has refused to kill his own kinsman he has been punished and sent to jail. What about the Garhwali prisoners? They refused to shoot their own kinsmen and we know the fate that overtook them. I have personal experience of the army in our villages in Midnapore, in Comilla and in other places in East Bengal. We know what they were doing there; and if that be the purpose of keeping up the army why should any Indian join it?

We hear a good deal of Indianisation of the army, but without Indianisation of Government there can be no Indianisation of anything

else. He is a false prophet who says that we can Indianise the army without Indianising the Government. Sir, they, the Britishers, want to fight their own battles at our cost, and why should we join them? Why should we help them? What is our experience of the past; of the Great War in 1914? Therefore, I say with all the emphasis at my command that this Bill does not deserve a day's argument, although we have argued it for four days. My Honourable friend, Mr. Satyamurti, wanted circulation for this Bill. When he says that it is bad and mischievous, I should like him to oppose this Bill here and now and throw it out. But he knows that today we are not getting our Muslim brethren to help us. Those Muslims who fought with us shoulder to shoulder and shed their blood with us in 1857 and co-mingled their blood with non-Moslem brethren at Jallianwala Bagh have now thought it wise to separate from the Congress which has been fighting for freedom of the country. It is a pity that we are not getting their support over this Bill. I appeal to Mr. Jinnah that after considering this Bill fully, knowing that this Bill is going to fetter us further, knowing that it is going to retard our freedom, knowing that it is cutting at the root of our civic rights he will side with us. As for my European friends, they may think me to be a bad companion, yet I am going to make an appeal to them also. Truth is not always palatable. I have spoken what is true, what I feel. They know that what I have told is historically true: they know what the British Government has done in British India for 150 years. (*An Honourable Member* : "80 years".) A few might have thrived under their care who would be ready to fight for them but what of the masses? What are the masses like today? The agriculturists have been ruined and industry has been killed. What have they got to show what the Europeans have done for us Indians. I believe as worshippers of freedom and as protectors of the Empire they will befriend us here and they will go with us into the lobby or at least exert their influence on those who have sponsored this Bill to withdraw this Bill. This Bill does not deserve the support of anybody in this House. With these words, I resume my seat and support the Honourable Mr. Satyamurti's motion.

Mr. M. Asaf Ali (Delhi : General) : Mr. Deputy President, of all

3 P.M.

the debates to which I have had the privilege of listening, I think this debate has had the most chequered career during the last four days that it has been on. Speakers have gone into highways and by-ways and each one, according to his own desires and wishes, has sought different interpretations of the motion which was made by my Honourable friend, Mr. Satyamurti. Each one has set up his own case according to his own lights and has demolished it and then come down on the Congress Party with, "Now, this is what you have said and it is all wrong: you do not want an army for India to defend the country". But, who from among us has said that we do not want an army to defend the country? Whoever said that we wanted to interfere with the normal activities that have been going on in the country for years? Did we ask for the abolition of all the penal provisions which exist in the Indian Penal Code for dealing with people who may incite those who are actually serving in the army to rebellion or mutiny or something like that? Have we asked the Government to hold their hand in respect of offenders against the existing provisions of the law? No. So, in so far as the ques-

[Mr. M. Asaf Ali.]

tion of the Indian army is concerned, it is perfectly clear that not a word has been said by us which may interfere with the Government if they wish to maintain discipline in the army. So far as that point is concerned, let us put it right out of the discussion. It is extremely regrettable that speakers during the course of this debate have side-stepped the straight issue. The straight issue was whether the Government had made out any case for this particular Bill. If I remember aright, the Honourable the Defence Secretary based the whole of his claim for bringing up this Bill on a requisition from the Punjab Government.....

Mr. Sri Prakasa : And undelivered speeches !

Mr. M. Asaf Ali : Please allow me to go on. If that is so, may I ask the Honourable the Defence Secretary to produce any further evidence from any other province or will he take up the challenge now and allow this Bill to be circulated to all the Governments and abide by the verdict of all the provinces ? Surely, the heavens will not fall if this Bill is delayed say by another two or three months. If the provinces and the rest of India say : " Yes, the provisions of this Bill are absolutely necessary for the safety of India ", we shall abide by their verdict, and we shall certainly help the Government during the special Session if they like, or during the Budget Session or later on whenever it may be possible. In so far as the opinion of the Punjab Government is concerned, all that is suggested is that there is a shortage of recruits in certain recruiting areas. Permit me, Sir, to remind the Honourable the Defence Secretary and his powerful ally the Home Member (who let him down very badly at the time the Defence Secretary was delivering his speech, for he might have been supplied with all the material with which the Home Member came out afterwards, and the Defence Secretary might have been allowed to make out a better case : but, unfortunately, the Defence Secretary was very badly let down by the Government and particularly by the Honourable the Home Member who must have been in possession of all the facts which he did not place at the disposal of the Defence Secretary ; and the poor Defence Secretary had to cut a very sorry figure)—I fully sympathised with Mr. Ogilvie at the time ; and when he sat down, I felt just as if a man was drowning and his friends who were near him would not come and help him. The Home Member came to his rescue afterwards but what did the Home Member have to say ? He certainly delivered a very dexterous and may I also add a very adroit speech, conciliatory in tone, and trying to be very good-humoured and all the rest of it : but what did he tell us ? He was most anxious to tilt at the Congress the whole time ; and in his anxiety to tilt at the Congress he forgot the fact that the mere recitation of the few cases which he had up his sleeve would not convince anybody. Let us look at recruiting ' conditions ' in England. What has been the state of affairs in England as far as recruiting is concerned ? There has been a tremendous shortage in every recruiting area in England for years together, with the result that for years together there has been a demand for new conditions of service ; which have now been brought about through the kindness of Mr. Hore Belisha. Very tempting offers have been made only just to attract recruits. If a similar phase in regard to shortage of recruiting in India has occurred, is it anything extraordinary ? For twenty years, ever since the cessation of the great war, all the war-stricken

countries have been indulging in pacifism of the worst possible type which is being condemned now. Through films, through books and through speeches and in every possible way, every war-stricken country has been saying : "No war" : in fact it was claimed that the great war was fought only to end war although they concluded a peace which ended all peace.

Well, Sir, in spite of that, the shortage of recruits has been going on. I think I had better refer to some authority on this subject rather than give my own opinion. I am now reading out the considered verdict of Captain Liddell-Hart whose book 'Europe in Arms', I believe, is available to every one in the Assembly Library.

Mr. S. Satyamurti : Are you sure it is available to the Government ?

Mr. M. Asaf Ali : It is, in fact, I have got it from there. In this book, which is one of the ablest that have been written on the subject, I find the following. I shall read out of only two pages or less although there are ten pages on the subject. This is what Mr. Liddell-Hart writes :

"In addressing a Conference of the Press at the War Office recently, the Adjutant General to the Forces emphatically declared : 'I do not believe in an ostrich like policy'.—*Nor do we.*—'If a thing is a fact, why not say so?' This is a wise attitude in all human affairs, as history has shown so many times that mankind's failure to learn this lesson is the strongest evidence of its incapacity to profit by experience!—*Then he goes on to say* : 'To pretend that troubles do not exist is the surest way to help them grow to the point where they are dangerous and may be incurable. It would hardly be possible to proclaim the need of recruits more insistently than has been done during the past year. The zeal shown by the recruiting authorities could hardly be surpassed. Yet the fact remains that these efforts have not merely failed to remove the shortage, but that the shortage is increasing in spite of them'.—*Later on he says this* : 'For too long there was a tendency to look for the cause of the trouble outside rather than inside the Service, and to cast the responsibility mainly on Pacifism. This had the effect of delaying the necessary inquiry into the real causes',—*just the case we want to make out here,*—'and their rectification before either the shortage or the risk of war developed to their present proportions. It is somewhat ironical to reflect that a year or two ago',—*please mark these words,*—'when pacifism was more prominent and the need less urgent, there was less difficulty in obtaining recruits than there is today'.—*This is about England.* "But it would not be true to say that the type of recruits even then was as good as the conditions of modern warfare require. And now the improvement in employment outside has naturally made the men who are required more reluctant to join the Army under the existing conditions of service."

Then he sums up and says :

"Significantly, the Government spokesmen have since admitted that pacifism has little or nothing to do with the problem," *please mark these words,*—"Significantly, the Government's spokesmen have since admitted that pacifism has little or nothing to do with the problem, and have already announced certain measures that are being taken to make the army more attractive."

Certain measures that are being taken are too attractive. And why ? The existing checks, according to Liddell-Hart, may be grouped under four heads,—*conditions of service, conditions in the service, conditions of foreign service and conditions after service.* Mr. Deputy President, this is how England's case is summed up. Now, have the Government analysed all the causes of shortage of recruits in the recruiting centres in the Punjab ? They put it down to just a few speeches,—they say that 100 or 150 meetings were held in certain centres and recruits were not forthcoming. In the first place, the Government have not placed before us the real facts

[Mr. M. Asaf Ali.]

and figures. We do not know what the average of recruitment was during the last 20 years, and we do not know by what ratio it has fallen now, or if it has fallen at all.

An Honourable Member : Has it fallen ?

Mr. M. Asaf Ali : I am proceeding on the assumption that the ratio has fallen, but Government have not told us to what causes it is due. Now, Sir, let us consider the reasons why the shortage has taken place. In so far as India and the question of recruiting is concerned, let us not forget, in the first place that there is a vast contrast between conditions of service for Britishers in India and conditions of service for Indians in India, and this vast difference has been very clearly impressed upon the people, not by the few speeches which it is alleged are being made,—they are ignorant speeches, most of them, as far as I have been able to judge— but these facts have been brought home to the would-be recruits by those demobilised soldiers who returned from Europe, and who carried the message from home to home and from cottage to cottage,—they have told their own kith and kin : ‘ You fools, you go and get slaughtered for other peoples’ cause, you are a mercenary lot, and what do you get ? Perhaps you would get Rs. 600 or Rs. 650 a year ’,—I do not think it is more than that,—my friend, Mr. Ogilvie, will correct me,—the cost of an average Indian soldier does not go beyond Rs. 600 or Rs. 650 a year,—‘ your British colleague who was fighting shoulder to shoulder with you is drawing Rs. 2,500 a year, in addition to all the allowances and comforts which are allowed to him ’. Are these conditions, are these vast differences not enough reasons for the potential recruits to say : ‘ I do not care a hang for your army, why should I get slaughtered for you ; what are you paying us ? Even as a mercenary army we are a very poorly paid army ’. This is one cause.

Then comes No. 2. After all, it is being realised more increasingly every day that the Indian army is not an Indian army as we would like it to be. It is not a national army. It is not an army which will fight according to the wishes and desires of this House. It is an army which will go and get slaughtered according to the wishes of some one who is six thousand miles away. The decisions are taken there, and all these people have to go and shed their blood all over the world,—and with what result ? Well, I shall talk about the result in a moment, but let me go on further. Another cause for the shortage of recruits is the spate of horrifying descriptions of the next war. On the one hand, your pacifism, not Indian pacifism which pales into insignificance before the other pacifism,—I am now talking of the pacifism which is now rampant throughout the world,—and on the other the terrifying pacifism. Each nation is now trying to terrify every other nation and tells it : ‘ Well, if war breaks out, civilization will be wiped out, incendiary bombs will be thrown which will be capable of generating heat to five thousand degree centigrade and tons of steel will flow like lava which no fire engines will ever be able to extinguish ’. Well, Sir, this is only one trifling example of pacifism. Again they say : ‘ all civilian population will be bombed ; London will probably disappear in three hours’ time ’. All these descriptions are coming to India from day to day. And why should Indians risk their lives, and for what reason ? After all, the more you talk about war the less recruitment there is in any

country, unless it happens to be a country where people feel that if they fight at all, they will fight for their country, for their freedom, for their people, for their men, women and children and for the honour of their country. Where people feel like that, there may be recruits forthcoming, but even in a country which is supposed to be highly patriotic, namely, England, recruits were not forthcoming and I doubt very seriously whether even with these improved conditions of service many recruits would be forthcoming even in England, because, Sir, you will remember that only about two years ago or perhaps less—Mr. Jinnah will kindly bear me out, he was in England at the time,—there was a debate in the Oxford Union, and I believe it was followed by another debate in the Cambridge Union. The essence of the proposition was, “We shall not fight for the King and the country”. It was carried; in both the Unions it was carried. Which law did they apply to them? Did they even think of bringing up any law before the Parliament? Will they bring up any law even now before the Parliament? I challenge them to do it. They cannot; for the simple reason that they have one standard of freedom and liberty for their country and another standard for another country. Sir, again, there are communists in England, there are pacifists in England, there are Norman Angells in England and there are many more whom I can name. Will they shut them up? Did they shut up Lord Morley or Mr. John Burns? Once again I appeal to Mr. Jinnah who was in England on the occasion when these two gentlemen walked out of the Cabinet when the last Great War broke out, because they would not sign the death warrant of Englishmen and other human beings. How will you treat similar gentlemen if they happen to be in England today? Will you shut up Morleys and John Burns? Will you shut up Norman Angells? Will you shut up your pacifists, will you shut up your communists? If you cannot do it in your own country, why do you want to imitate the worst fascist countries whom you want to fight just to preserve democracy, freedom of speech, liberty of conscience. If you ever go to war—you say it will be a just war,—just war for what purpose? Just war only to preserve democracies, and you want India to fight on the side of democracy. Against whom? Against fascists. And they are resorting to these very laws which you want to enact here in India! With what face can you bring it up? Government was most unwise in bringing up this piece of legislation here today. The whole world is watching us: particularly, the Germans, the Japanese and the Italians are watching us; they are just waiting for a sign. Was this an opportune moment for you to bring it up? You knew the feelings of the country. You had every chance to know that this was not going to be a noncontentious measure, that this was going to be the most contentious measure that this Assembly has ever seen. And yet you had, I say, the unwisdom, the indiscretion to bring it up. All right, reap the result. It is your sin, not our sin. We do not say for a moment that we do not want an army. We do not for a moment say that we do not want recruits to come and join the army. In fact, we have not said a word about it. We do want to have the most efficient army that anybody can ever think of for India and for India's defence. But that army must be our army and not an army which is working like automata at the sweet will of somebody over whom neither you—neither you nor we have got any control. If ever war breaks out, it will be declared not by the Government of India but it will be declared by His Majesty's Government. Who will come to His Majesty's Government's help? The Dominions? Yes, the

[Mr. M. Asaf Ali.]

Dominions are today complete masters of their own foreign policy and also of their defence. Can you deny it? If they are complete masters of their foreign policy and of their defence, why could not we be the same, and if we are, we shall decide the case on its own merits when the occasion arises.

Sir, I should just like to remind the Government of another point and then I had better leave the question to my Leader who will deal with the rest of the points at issue. What is our experience of the last great campaign of recruitment in India at the time of the Great War? Sir, we contributed 14 lakhs and more of human beings, living human beings, to the last Great War. One and a half millions of people were sent over from India, of whom one lakh and six thousand were casualties, 36,000 were wiped out, and then there was a huge contribution in animals and in money. The war budgets of 1914—1915—1916—1917—1918 went up to 70 crores and 80 crores a year. Right down to 1922-23 the budget was something in the neighbourhood of 67 crores. And the normal budget before the War broke out was of the order of 28 crores. It means that for eight years we went on contributing to this war something like 40 to 50 crores each year which means that we contributed to this war in money something like 400 to 500 crores. In addition to it, we also gave, I think, *150 million pounds sterling*. That was only just by way of a gift. That means 650 crores actually given away, and up to this day we are mulcted in damages as it were, because we are still paying the non-effective charges which we had to incur on account of that heavy recruitment of combatants. Every recruit that now enlists for war will have to be paid for by us, not by you. Can you realise it, and what did we get in return? We got in return an irresponsible and unresponsive executive sitting opposite us, and we have also got kicks throughout the Empire. Is there a single Dominion where Indians are treated as equal citizens of the Empire. They talk of the Empire. Which Empire do they want us to fight for? The Empire in which we are treated as helots? Is there a single Dominion where Indians have any rights of citizenship, leave alone the Dominions,—have we got full rights in our own country? If we have none, they have no right to ask us, they have no right to ask any Indian not to preach according to his conscience either to rebel or to mutiny or to do anything else; he would be fully justified if he did it.

Sir, there is just one other point which I should like to present to this Government, and it is this. In spite of the difference of opinion expressed on the floor of this House,—apparent difference of opinion expressed on the floor of this House, I find a large measure of unanimity, extraordinary unanimity among all sections of the elected Members of the House. And here I want to address my Honourable friends who are sitting just next to my Group. There is not one of them who does not say that Indian troops shall not go out of India without the consent of the Central Legislature. Has the Government said a word about it so far? No. They are agreed that Indian armies should not participate in any imperialistic war. Has the Government said anything about it? No. They are all agreed that conditions of service, Indianisation, etc., etc., must be according to our wishes. Has the Government anything to say about that? No. There is unanimity on these points. In so far as the question of the imperialistic

war is concerned, may I just say one word? What exactly do we mean by an Imperialistic war? By an Imperialistic war, we mean a war which may result in more or less the same kind of morass in which we find ourselves today, that is to say, our freedom or want of freedom left where it is or perhaps curtailed a little more, because the so-called Empire may emerge victorious out of this great war and become stronger and may be able to turn to the Indians and say: 'What do you want? Have you not got enough already. What you have got is more than enough. We are not prepared to give you anything more. You are not fit for it'. That would be an Imperialistic war from my point of view. But whatever the nature of that Imperialistic war, I am perfectly certain, whichever war may break out in which Great Britain may become engaged in the future, it will naturally be between the allies of Great Britain and the Totalitarian Governments. As far as I know they are only three. They are four but I leave out Russia, because it is on the side of the so-called democracy of Great Britain. Leaving out Russia, we have got Germany, Italy and Japan. The day war breaks out the first rush will be all along what we may call the Mediterranean Lake and round about this Mediterranean Lake, Italy will be attacking all the possessions now under the tutelage of Great Britain, Cyprus for instance and Palestine and also French possessions will be attacked, that is to say, the whole of the French possessions in the North of Africa, Syria and all those places. Those are the places in which the war will wage the loudest to begin with, because that is just the place where the enemy would like to cut off communications, the communications and routes through which you may be able to get all that you want for your purposes and your objective would then be India because India is full of men and war materials. India could give you men, foodstuffs and raw materials needed for the carrying on of war and your enemies will then be fighting somewhere near about the Mediterranean. I am pretty certain that Palestine will be involved and when it is involved, please also remember that it is just possible that the neutral countries such as Turkey, Iran and Afghanistan which have now made up their minds not to enter into any war are bound to be dragged in on one side or the other and it is that kind of war for which you want us to will away the freedom of everybody. If this Bill had not carried any Statement of Objects and Reasons it might have been looked at from another point of view. It might not have been a Bill which was intended to create a new crime, a new offence as the Honourable the Law Member said. He said: "we are creating a new crime, a new offence." My Leader will deal with that point later and there I leave it. My point is that if the Defence Secretary had said nothing in the Statement of Objects and Reasons, possibly even we would have said that this was a normal activity of the Government, let the Government get this measure in some modified form. There would be no harm in it. We do not want the discipline of the army to be undermined but he says that this Bill is designed for a specific purpose. It is not for normal activities. The object of the speakers, according to him, is clearly not the spread of pacifism but to persuade would-be recruits from taking part in any war in which the British Empire may become engaged. We did not ask for this. It is you who tell us that this Bill is designed only to help you to find recruits for the great war, not for normal activities. That is the point and the issue that has been missed by many speakers. It is only intended for an Imperialistic war obviously, and, therefore, we are definitely opposed to it. We oppose it on three grounds. No. 1 is that you

[Mr. M. Asaf Ali.]

have not made out a case for the shortage of recruiting. There are other causes of shortage of recruiting which have not been sufficiently gone into. These causes will have to be fully investigated by various provinces which have got to deal with it. Let those provinces say : ' We find that the causes of the shortage of recruiting are the speeches, *plus* so and so '. Then we can make up our mind one way or the other. Secondly, we oppose this Bill on the ground that it bangs the door on civil liberty. Maulana Shaukat Ali and the late lamented Maulana Muhammad Ali were the gentlemen who at the Karachi Khilafat Conference in 1922 definitely laid down the law for Indian Mussalmans.

Maulana Shaukat Ali : I shall lay it down again.

Mr. M. Asaf Ali : I may accept it, but I accept the old law first. They laid down the law that every Mussalman must be free to preach whatever he liked to the troops if any Muslim country was involved in a war against Great Britain. I hope they stick to it now. I claim the same liberty for every one, not merely the Mussalmans, and, I hope, that people will exercise that liberty and that freedom which such discretion as is necessary for responsible men. Lastly, we are opposed to this Bill on the solid ground that we have no lot or share in this army in India. Not even a penny of the whole money that is spent on the so-called defence of India is submitted to the vote of this House. Even the paltry six lakhs which used to be submitted to the vote of the House was withdrawn during the last Budget Session and not only that. Fresh burdens have been imposed on us from outside and we cannot say ' No ', not even the Government of India. In these circumstances, how can anybody come here and say : ' Will you kindly sign your death warrant '? We refuse to sign our death warrant and the death warrant of humanity, and we oppose the Bill on these three grounds that I have placed before the House.

Mr. M. S. Aney : Sir, the motion before the House moved by my Honourable friend, Mr. Ogilvie, the Defence Secretary, has been debated for the last four days, and I believe that this debate will be remarkable for the extreme frankness with which views with regard to the impending war and the part India should play in it have been placed before the House. The motion moved by my Honourable friend, Mr. Satyamurti, and other friends is to the effect that the present Bill should be circulated for public opinion thereon by such and such a date, but the question of the date does not matter. These are the two main motions before the House. You know that the Bill was introduced in this House on the 8th August and in the ordinary course of things we would have expected that the Government, having introduced a Bill like that, would not come immediately afterwards in the next sitting with a motion for its consideration. If there are any strong reasons for rushing a measure like that through this House in haste, one could have understood that thing and I particularly listened to the speech of the Honourable the Defence Secretary as well as to the speech made by the Honourable the Home Member to find out whether there were any very good reasons to justify—if I may be permitted to use the expression—"the indecent haste" with which they want to rush this measure through this House. I am afraid I have not been able to find any reason that

would satisfy any reasonable man so far as this point is concerned, and I believe, even if we ignore all the discussion on the merits of this Bill and confine our attention to finding out whether there were proper reasons adduced by the Defence Secretary for rushing this measure through this House so hastily, and if the House finds that no such satisfactory reasons have been given, then the only conclusion that any reasonable Member of the House can come to, apart from the question of merits, is that he must vote for the circulation of the motion and he cannot vote for anything else. This is the way in which I want every Member to look at this measure.

Now, I tried to understand for myself if there could be any reason at all. The only ground that was given was that some boys had been delivering lectures in the Punjab and preaching that the people should not join the war or should not help recruitment, and that some recommendation had been made to that effect by the Punjab Government also. The question is whether such a kind of agitation constitutes such an emergency that a measure of this kind, which involves issues that are very vital and very important to this country, should be rushed through. The only possible excuse one could imagine was that such a thing is making a very serious effect upon the normal working of recruitment. My Honourable friend, Mr. Gadgil, has cited certain figures that have not been challenged and I do not think Honourable Members opposite are in a position to challenge them. That clearly indicates that so far as the work of recruitment is concerned, there is no perceptible change at all. Where is the need for you to rush through this Bill and to be so hasty in passing this measure and where is the need for you not to give any opportunity to the country for an expression of opinion thereon? The second thing would be that the Government thinks that there is a very serious danger impending of which they do not want to give any notice but about which they feel something in their own hearts. If that is so, Government should have made a clear statement to that effect and then we could have seen whether there is any proper justification for helping you or not. They have given a faint inkling in the Statement of Objects and Reasons about some war that is likely to come and the recruitment necessary to enable this country to take its part in that war if it comes. The question is whether there is any time for the Government to wait for calling public opinion on this question. Is that danger of the war so imminent that it is going to be declared tomorrow? If that is so, it is necessary for the Government to place all the facts before this House and then call for its verdict. I think no such facts have been placed before this House at all. Now the third justification might be that the measure was really a non-contentious one. I believe if the Government have really studied the situation and have followed all that is being done in political circles during the last few years, they could have easily seen that a measure like this cannot be non-contentious in this country; for example, I say they could have seen that this is evidently in conflict with what is known as the pacifist policy. The second thing is, they could have seen that this is in conflict with the declared policy of the Congress as expressed in the resolutions passed at one of its sessions, namely the Faizpur session. They could also have seen that it is in conflict with the very policy that the Government have been trying to follow for the last

[Mr. M. S. Aney.]

eighteen months and so on. Government made a reference to the last eighteen months and I may also make a reference to the conduct of the Government during the last eighteen months. There has come into existence a cult among the people which has got a tremendous abhorrence of blood-shed—abhorrence of one man killing another, of the spilling of human blood—and they are carrying on this anti-war propaganda all over the world. Now that cult has got its followers in this country also.

Government could easily have seen when framing this Bill that it is bound to come in conflict with the policy of the pacifist people. Now, is it not necessary for the Government to give a fair opportunity to people to say whether they want pacifists to be dealt with in a merciless manner or in the unreasonable way that this present Bill proposes to do? Sir, a reasonable chance ought to be given for public opinion to express itself. But they do not want to give that; they are content with the opinion expressed by one particular Government. I say the Government ought to know that the work of recruitment can be done only with the co-operation of the people and it is not a matter to be done by coercion. I shall refer to that point later on also but they must know that they are bringing forward this Bill at a time when the country is divided into certain autonomous provinces enjoying certain rights of liberty and in certain provinces, at least some seven provinces, they are being governed by Congress ministries which are bound by Congress resolution and Congress policies.

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

Now, your scheme requires the assistance of all the Provincial Governments to co-operate with you, so as to enable them to fight a great war that is likely to come, and if so, Government ought to be circumspect before bringing in any measure before this House and they ought to see whether they are not likely to come in conflict with the declared policy of the Congress which will be binding upon some of the provinces in this country—and they are not insignificant provinces but very important provinces. Eight provinces are not a matter of joke. That being the case, it was necessary for the Government not to rely upon the opinion expressed by one particular Government but to give a reasonable chance or opportunity for other Governments also to express their opinion on that. Sir, I am sure today the position is this. There is a resolution passed by the Congress that it has called upon the country not to take part in any war and not to co-operate with the Government in any way for the promotion of imperialistic designs. That is the policy of seven provinces today. It was, therefore, necessary for Government to have consulted the leaders of the Congress before framing their Bill. After all, this is not a Bill which will enable Government to do whatever they like if they do not get the necessary co-operation of the people. If the experience of the Government as regards the recruitment in the great German War which they fought is fresh in their minds, then they will remember that there came a time when they had to convene a big Conference in Delhi at which I am glad to say my Honourable friend, Mr. Jinnah, was present and I am equally happy to find him present in this House today. Why was that Con-

ference called for? Is not that experience sufficient for the Government to know that in times of difficulty and in times of emergency, a mere emergency legislation arming them with all the powers will not do, but that a time comes when there should be co-operation with the people in order to enable them to carry on the war and in order to get the necessary help in money and men. Without that help, no great war can be fought. Of course, the British Government can fight with the help of the English people if the Indian opinion is not going to stand by them. What effort has Government made to get that kind of sanction behind them before they came to this House? I, therefore, think that it was a great mistake of policy on the part of the Government to have come before this House with a contentious measure like this which was bound to come into conflict with the Congressmen, not only those who are present here in this House—a handful men of 42,—but the entire body of the Congress organisation which, as a matter of fact, is dominating the politics in the majority of the provinces. As a matter of policy, Government ought to have consulted them. On the other hand, they have shown that in matters of the country's defence they do not care for the Congress opinion at all. They seem to think that they can afford to carry on despite what the Congressmen have to say and despite what they have to urge. That is a mistake of policy. It is wrong tactics and these tactics are bound to pay them adversely ultimately. That is what I feel.

There is another thing also which I want the Government to carefully consider. What has been the policy of the Government in relation to the Congress during the last 18 months? I have mentioned that fact before also. The policy of the Government during the last 18 months has been to avoid as far as possible all clash and conflict with the Congress in authority. That has been the right policy of the Government. The policy of the Government of India or the Governor who represents His Majesty's Government, in three most important illustrations, so far as I have been able to see, has come in conflict with the Provincial Governments. The Congress Ministers had to tender their resignation and the matter was kept in suspense: it was not decided immediately and something was done to it. They consulted the Government of India, and the Governments of Bihar and the United Provinces were allowed to carry on the Government as before in spite of a little trouble that took place in the intervening period. Then, may I remind of the Dain example? The Governor was advised to cancel his leave. What was the object of that? The object was to see that the Congress Government and the Government of India do not come in clash and the administration of the country may go on smoothly. That has been your policy. I take the third instance, a very recent instance, not with a view to criticise anybody but merely as an illustration. The other day a very serious catastrophe occurred in the Central Provinces and the Congress Working Committee passed a certain Resolution which made some kind of aspersions even upon the Governor. In spite of that, I find that the Government of India and His Excellency the Governor himself and probably His Majesty's Government have thought it fit to accept the recommendations of the Congress Working Committee on the point. They have accepted the Leader and have called upon him to form a Ministry without saying anything by

[Mr. M. S. Aney.]

way of a reply to the charge which was made against the Government. I say that Government had acted wisely in all these matters because they had been following a policy of remaining in conciliation with the Congress during these 18 months. Now, that being the case, when a measure like this is brought, which demands this House to give its consent to enable the Government to coerce the people and yet give recruits, which is in contravention to the declared policy of the Congress, in regard to a war of an Imperial nature, the Government is really coming into conflict with the Congress and which is, in my opinion, against the policy which they have been following for the last 18 months. So, my charge against the Government is three-fold. They are coming in conflict with the policy of the pacifists. They are coming in conflict with the policy of the Congress and, lastly, they are coming in conflict with their own policy which they have been following for the last 18 months. How can such a measure remain non-contentious? I fail to see that a measure of that kind can be called non-contentious and, therefore, it is necessary that the Government should take a broad and long view of the whole affair and see whether a measure like that can be rushed through and this House may be called upon to decide on the strength of a snatch vote here and there to carry it immediately. It may be a temporary success: it may be a triumph with which you may feel satisfied for the time being. But remember the repercussions of the thing upon the nation as a whole and the consequences which you will have to face thereafter. It is not a small and insignificant measure of creating a little new offence which was not known to the people or not provided for already. It is not so. The thing has at its bottom questions of policy which are likely to create a very serious state of things, and the Government of India, knowing its full responsibility, must see that the thing is not done in indecent haste and also that a real opportunity is given to the public to express its opinion by the date which Mr. Satyamurti has suggested. So far as the motion for circulation is concerned, it has not been opposed on any reasonable grounds by my Honourable friend, the Defence Secretary. As against that, I have put forward before the House so many considerations which not only the Members on the other side of the House should take into consideration but also the Members on this side of the House, i.e., on my right, should take into consideration. If they have properly grasped the line of argument which I have pursued and seen the consequences which are likely to come hereafter, I am quite sure they will see that the matter does not deserve to be rushed through and disposed of summarily in the manner in which my friend, Mr. Ogilvie, desires to do. That is one argument in support of the motion for circulation. Then, Sir, I go to the merits of the Bill and that is my second point.

My friend, Mr. Ogilvie, has stated that this Bill will be support-

4 P.M.

ed by everybody who has the feeling of loyalty in him. Well, I believe that of all men in this world, the Englishman is the worst sinner in the matter of loyalty. The recent events that took place and which are within the memory of everyone of us present here would show that it does not lie in his mouth

to talk of loyalty and to preach loyalty. What is your loyalty after all? You were loyal not to your King, you were loyal not to your Crown, but you were loyal to the Government which you have elected and to the Premier. The other day the Premier confronted the Crown with one alternative to choose: 'You can have a life without love, or you should abdicate the throne'. That ultimatum was placed before the King when he was going to do something unpleasant to the Cabinet or unpleasant to the people of England. Where was the loyalty of all the servants of the Crown gone at that time? Why did they not muster strong and tell Mr. Baldwin: "You are committing a crime"? On the other hand you find that the King was sent out of England most unceremoniously over night, unknown to anybody, in an aeroplane and the next day they changed their loyalty to another King just like they change their clothes and they took their oath of allegiance to another man whom the Cabinet was pleased to enthrone. That is the sentiment of loyalty of the English people! It does not lie in the mouth of Englishmen to talk of loyalty to Indians. As I understand loyalty, it is this. I understand loyalty to mean a response which the State demands from a citizen who has a voice in the administration of the State and who is effectively represented in the governance of the State. If there is no such privilege or right for the citizen, then that State has no right to demand any loyalty from the citizen. A State that denies to the citizen any effective voice in its administration through his representative and wants to claim all the important powers to be concentrated in its own hands and which says: "we shall do everything in our own way in spite of you", I say that State has no right to make a demand on the loyalty of the citizen to the Crown. Loyalty is intended to be to the King who represents the country and not to the power which represents some other State elsewhere. That is our position. Then you say: "these are reserve powers, these are subjects over which the people shall have no control whatsoever and we shall have all these powers in our hands for an indefinite period". I submit, Sir, this Government represents a foreign country. Loyalty has always been identified with sentiments which stand for the love of the country and for him who represents the country. Here, in this definition, Government do not come in anywhere. Therefore, I should tell Government, "Talk of any other argument which you may have got, but do not talk of loyalty. It is nauseating. We cannot stand it".

Then, Sir, in my opinion, there is a very important principle involved in this Bill. I would not have taken so much of the time of the House and would not have delayed my Honourable friends, Mr. Jinnah and Mr. Bhulabhai J. Desai, speaking before the House, but for the fact that I feel there is yet a more important point involved in this measure. Now, Sir, what is our position today in the constitution? All of us who have studied the present Government of India Act and who have followed the debates in the British Parliament when this Act was being forged or hammered there know full well that the British Government was even unwilling to mention the words 'Dominion Status' in the Act. They did not contemplate India getting Dominion Status either now or in the distant future or at any time

[Mr. M. S. Aney.]

at all. They were unwilling to make any statement to that effect. All that they agreed to do was to reproduce, under some section of the Government of India Act, the preamble to the old Act which does not make any reference to Dominion Status at all. Even in the Instrument of Instructions they say : ' India shall have a due place in the Dominions of the Empire '. Now, Sir, how has that expression ' due place ' been explained by the Attorney General when the question was discussed in the House of Commons. " Due place in the Dominions " is not the same thing as Dominion Status. It has been so stated in so many words, whatever the definition is. Instead of saying anything from my own memory, I will read out a short passage which I have verified from the Library from the debates on the Government of India Act in the House of Commons. I am reading from Mr. Aiyangar's Book on the Government of India Act, 1935 :

" The question then arises whether this constitution holds any promise of India attaining to Dominion status. In this connection the disinclination of the Statutory Commission and the Joint Parliamentary Committee to the use of that expression, is not without significance. The intention of Parliament as set forth in the preamble to the Act of 1919 which has been reiterated by force of the saving in section 321 is the realisation of Responsible Government in India as an integral part of the Empire, or as set out in the Instrument of Instructions to the Governor General that ' the partnership between India and the United Kingdom within our Empire may be furthered to the end that India may attain its due place among our Dominions '. The Attorney-General explained the expression ' due place ' thus : The due place of India among His Majesty's Dominions must be, in the very nature of the country,"—

I do not know what the nature of the country has got to do with it,—

" something not quite the same as the place, shall I say of New Zealand or of South Africa or of the other Dominions."

It shall not be the place which these Dominions occupy. That point has been made sufficiently clear. What is the distinction between India and other Dominions like New Zealand, South Africa, etc., I am not able to understand. Where then lies the dueness of the thing. It is said that India is a far different proposition altogether. Verily it is. Then why don't you leave us alone ?

" I have no doubt that if this Parliament represents the wishes and intention of the British people, India will attain her due place amongst His Majesty's Dominions ; but that is not to say that the problems with which she will have to deal, in the nature of external affairs or problems of defence, will be problems that will be settled in precisely the same way as those in which similar problems, if they arise at all, are settled in connection with His Majesty's other Dominions."

Our position hereafter shall be by dint of our own strength. Whatever other problems there may be, these are the powers with regard to External Affairs and problems of defence which will be different from the powers enjoyed by other Dominions with which India shall have to be satisfied. That is the position of India. In view of the various Resolutions passed at the Imperial Conference and in view of the declarations of policy made by Colonial Statesmen as well as by British Statesmen and also by virtue of the Westminster Statute, everybody knows the position of the Dominions with regard to wars in which Great Britain might be engaged. The Dominions claim the right to be consulted before war is declared by England on any other power.

In the matter of war as well as peace, all the Dominions claim to be consulted. That is the stand which the Dominions have taken. We are told, on the floor of the House, that not only has India not got the right at present to have any say in the matter of declaration of war or peace by England, but they do not even contemplate the conferring of any such rights upon India in any distant future. I submit we need not despair of that declaration. I only want my Honourable friends to my right to remember that England does not contemplate to confer any such right at all so that the position today is that India shall not be consulted in the declaration of any war for imperialist purposes. If I am not going to be consulted at all in the declaration of any war for imperial purposes, then what moral right has this Government got to say that I shall give my consent to any aggressive measures that the Government might take in furtherance of that imperial war. There is no moral ground left at all for the Government to demand our consent. Therefore, the position as I see it is this : by asking us to pass this law, the Government want to forestall the future position and to take the consent of this House beforehand, in an indirect way, to whatever wars might be declared by England hereafter. The result of making a provision for enlistment of recruits without any demur from India is this : If England declares any war without our consent, this measure will enable them to take it for granted our readiness to participate in that war. That is the constitutional position, which underlies this Bill. That is the point which I want every Honourable Member to remember. (Interruption.) Even Federation will not have any right to declare war or not declare a war. My point is this. It is not merely taking a little power to remedy a little evil from which the Government are suffering at present. In an indirect way, they want to dupe us into consenting to any war which they will declare without ourselves being consulted. Are you prepared to barter away this liberty or to sacrifice this precious right of yours ? No. So long as the Government choose to declare war or peace without my consent, I do not want to be a party to strengthen their hands to carry on anything like that. If you want to do that come here with a proposal before me or my leaders who can speak for the whole of India or the leaders of the Muslim League or the leaders of the Indian National Congress, approach them with proposals that in view of the coming war you want to reconsider the whole question of the constitution and see if something can be done to satisfy the people of India. Do something like this, but if you remain adamant, we too shall be justified in remaining adamant. Sir, I refuse to give my consent to a Bill of this kind and I advise my friends on this side, leaving aside all other considerations, to rivet their attention on the considerations I have made out and see if there is not a sufficiently strong case not to give their assent to the motion for consideration of this measure but to support the motion of my Honourable friend, Mr. Satyamurti, or any other motion for circulation. Sir, with these words, I declare my opposition to the motion of the Defence Secretary.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : Sir, quite unwittingly perhaps, though I am giving more credit to the Government than they normally deserve by the manner in which they have framed their objects and reasons in this Bill.

[Mr. Bhulabhai J. Desai.]

they have raised issues on which this House is entitled to express its opinion ; and they cannot now merely shelter themselves behind no reason given by the Mover of this motion and some supposed reason given by the Honourable the Home Member. It has also raised issues on which I think it is fair that this House should express its opinion by means of its vote on the attitude that the Indian people will take up in the war in which the Empire expects or is afraid to be engaged. For the call as regards this Bill has come from them on the ground that while not wanting to put down pacifism they want to make it penal to dissuade would-be recruits from taking part in any war in which the British Empire may become engaged. And, therefore, I will first shortly state the grounds on which we oppose the consideration of this Bill, and take up each of them to the extent to which they have not been dealt with already.

First and foremost, Sir, we oppose this Bill on the ground of what was scoffed at, the principle of the right of civil liberty which, so far as we are concerned, we hold and the Briton pays lip worship to, that right of civil liberty for which they say Britain today, as against the rest of the world, has this distinguishing feature. Inasmuch as my presence in Europe a few weeks ago was mentioned by Maulana Zafar Ali, I should like to state to the House something that occurred which is of greater consequence and is extremely material to the issue now before the House. A section of the press of England presided over by Sir Walter Layton entertained me for the purpose of understanding from me our attitude as regards the Government of India Act, but incidentally, also, our attitude in regard to matters of defence and the army. One thing that the Chairman said was that he expected that even if, as he anticipated it might soon be, India attained independence (in what measure or method or manner is another matter), there is one thing that they expected of India and that was that so far as the maintenance of democracy is concerned they will always place the resources of their great country because Britain was always prepared to fight for democratic principles and for personal civil liberty. If there were no hypocrisy in this, as I say there was not, it is somewhat of an irony that their instruments in India should come before this House and ask us to sacrifice what little of personal liberty is left in this country. And, notwithstanding the Khan Bahadur who wanted to shed light, possessing none himself, and said that he did not care for principles,—he only wanted to laugh at them,—and that he was a realist. I call all gentlemen of this type and method of thought not realists but opportunists. And, therefore, so far as we are concerned no gibe either by him, cheap as it was, and no ridicule or amusement attempted by the Honourable Mr. Maxwell will in the least degree deter us from asserting our right first and foremost on the ground of principle.

This Bill aims at what was frankly and rightly admitted by the Honourable the Law Member as creating a crime of an act which has never been regarded as a crime even in India hitherto. Wars have been fought before including the last great war, and the Government of those days was not so unwise nor so tactless as to introduce a measure of this kind for the purpose of getting recruitment in India. It seems to me

somewhat unfortunate, as one of the newspapers remarked a short while ago, that some senile military leader in this country and some senile civilian still exist who believe that by a generous dose of repression they will get loyalty from this land. It is that type of man alone who could have conceived the unwise course of getting the opinion of India before the rest of the world as to the way in which they feel as members of what is called the British Imperial system ; but I am glad that they would have a good dose of it by the time this Bill is finished. I am glad only for this reason that but for their tactlessness there were other methods of enlisting the sympathy and assistance of India if ever a war was of such a nature that the Indians had approved of it. Therefore, first and foremost we stand on the firm ground that an act which otherwise had been regarded as innocent and has no parallel as being penal in any other country is being made penal here and we will not assent to that. And what was it that the Honourable the Law Member said ? He said : " Oh, yes, it is new but we can always create new offences ". I daresay he can. If those behind him ask him to draft a Bill that the existence of every one of us here was penal, I hope he would not get up and say, " We have power to declare anything penal and, therefore, we shall use the power for that purpose ". It is an extraordinary and novel argument. I expected him to say, " We cannot support it in principle but the circumstances of the emergency as conceived by those for whom I am now rendering a valuable service require me to act as their mouthpiece for this purpose ". That is a thing which I can understand and appreciate but I cannot possibly allow him to lend the weight of his dignity of age and learning to a cause which he cannot possibly believe in. And let us examine what it is that is sought to be made penal, because of all points it is always the point of principle on which we shall stand. A man is free to enlist himself or not ; another man is equally free to give him whatever advice he likes. And yet solemnly this Government comes here and wants to make it penal. Shall we make it penal that they should corrupt a man by asking him to fight for another man's liberty ?

I think it would have been an infinitely better measure if the Government of India were by a law prevented from recruiting any Indian for the purpose of fighting for a British cause and keeping India subject all the time. After all, what is it that you want to do ? The law of the land—sections 503 and 349 of the Indian Penal Code—lays down clearly that you may not by criminal intimidation prevent a man from doing what he wants to do or making him do what he does not want to do. Section 349 lays down that you may not use force for a similar purpose. Therefore so far as the present law is concerned, threat, coercion, intimidation and force are all ruled out. It comes then to this, that the law which you want is that though there is no intimidation or coercion or force, you are at liberty to corrupt an Indian by offering him a paltry 20 or 25 rupees in order that he may die for your liberty or your cause. We want at least this modicum of liberty that we should be able to tell him that he should not do so even by persuasion. It is one of those laws which, if ever it is put on the Statute-book, will be one of the blackest—never mind what amendments may be carried. It is for that reason and that reason alone—that man may not persuade his fellow-man to exercise his right to do or not to do what it is in him right to do—

[Mr. Bhulabhai J. Desai.]

that you want to make penal that right—I think any man who assists in this ought to be ashamed of himself. We have known what it is you are making penal. Have you ever thought about it? After all I am not using any force or intimidation. If I do the law is there ready for it: but that I cannot go to an Indian and tell him: “Look here, this is the view that I present to you: it is not to your interest to lay down your life for a mess of pottage”—yet you come here and tell us: “Why do you not give your assent?” I am free to admit that I am one of those who, during the last election in the Punjab, made a speech something like this—which nothing and no law will prevent me from making: Sikhs, Muslims, Jats, many of them demobilised soldiers, used to be present at our election meetings; and I have told them something of the history which I learned: one of the causes of the French Revolution that they taught us at your English schools and colleges was the returned Frenchmen who took part in the American War of Independence: the reason being that they began to realise what it is to fight for independence; and I did address them thus: “I say, my friends, you fought for England’s freedom, risked your lives for 25 rupees a month and perhaps a little food. Have you ever given thought to the question that the freedom of your own land is certainly worth a little more than 25 rupees a month?”

I assure my friends on that side that whatever law they may make, they will not get my assent to the right that they wish to enjoy, notwithstanding the supposed selfish motives with which this House was regaled by a little amusement—we want to maintain this: it is not a question of whether you are going to have an Indian army or non-Indian army; and if that is the manner in which this issue is regarded, it is a great compliment: my friends did not think when they were saying: “Oh, but for this law there would be no Indian army”, what a compliment you pay to our public spirit and to our power and influence with our own people! Have you realised that? For what else could you mean when you say that if I were free to dissuade my men not to join the army, according to your logic they would not join. The result, therefore, is the rarest compliment ever paid to the people whom we represent—the India of today. Yes. If we can assist to make an Indian Army, not by force, not by threat, not by intimidation, but by an act of persuasion, not to join an army which is neither broadly Indian nor used for protecting India’s freedom, I think we would have achieved the greatest goal of our lives. Therefore, what you thought was a fright is a folly; and though you may scare this House by telling them that if this Bill were not passed there would be no Indian army—they can think that if this Bill were not passed there should be no Indian army—but that is the way in which we regard the matter—as one of principle: and we regard the matter of principle very rightly too.

There is another point of view. Why is it, I asked myself in examining this Bill, that this Bill has been brought forward? Is it that, if this Bill is passed even by a small majority of this House, to enable you to tell the world that India is behind you in the next imperialist war? Is this the purpose with which you have brought forward this Bill or I would really like to know whether you are afraid of the persuasive power of the Indian patriot or whether you want to create

a false impression in the rest of the world ? On both of these I am here to tell you you are wrong. If we have the persuasive power, notwithstanding your Bill and my friend, the gallant gentleman, in his anxiety, talked about death as a penalty—let me make a present of that idea to him and I hope the Honourable Mr. Ogilvie will move an amendment to that effect—it will give us really the chance of a lifetime to be able to tell our fellowmen that we are prepared even for the punishment of death. Therefore, take it from us that the point is a narrow one. You acknowledge and you are afraid of the power of persuasion which we have acquired, and it is for that reason that you say “dissuasion is a crime”. To you it may be a crime—to us it is an honour. Undoubtedly it used to be a crime even to ask for the freedom of this country. Fortunately during the last quarter of a century it has ceased to be a crime—not because you would not like it to be a crime but because you dare not portest or put it to the test ; and it is for that reason that first and foremost I shall not assent even if I were the only Member of this House to a Bill which is making penal of that which is an honest and a patriotic act. Let not my friends remain under any delusion that in the absence of this Act there is going to be no Indian army and, therefore, we must support it. It is a delusion under which you suffer : it is an argument which you do not understand ; and it is only an argument by which you may excuse and salve your consciences. But I cannot. I for my part stand for this : that after all I have a right to persuade my men not to do a thing which, as human beings, they are free not to do. He is not obliged to accept your 25 rupees and risk his head in a war which he does not believe in.....

An Honourable Member : 18 rupees.

Mr. Bhulabhai J. Desai : Never mind what it is : it is a paltry sum in any case. The point is this : that if the Indian people have learned by now that though they were willing to risk their heads and belongings in the last war on a faith and promise which was never carried out, you are now beginning to realise that they are beginning to understand what it is that they are asked to enlist for. It is not the 1,70,000—it is 12 or 13 or 14 lakhs which is at the back of your mind. But take it from me that the Indian of 1913 and 1914 is not the Indian of 1938. He is a different man. Why should we assist, even if we are obliged to sacrifice our liberty, in order that you may succeed ? A great deal was said about the *Pax Britannica* and the beneficence of the British Empire. I will only call attention to some salient points—particularly to one or two which my Honourable friend, Mr. Aikman, and others mentioned—out of deference to the speech that he made. The point shortly is this : In the war of 1914, Sir, I have a vivid recollection as to how—if you must use the word “loyalty”,—our loyalty was purchased, our loyalty was influenced. I was one of those, and I daresay there are some others in the House,—probably my friend, Mr. Jinnah, also was there,—who gathered in the Town Hall.....

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I had the honour to differ from you very much on that occasion.

Mr. Bhulabhai J. Desai : Yes, I will presently point out what the difference was ; the difference was not in the direction in which he is now moving, but in the opposite direction. (“Hear, hear” from Congress

[Mr. Bhulabhai J. Desai.]

*Bench*es),—I hope and trust that he will remember the principles he then preached and will not go back upon them,—but I have no desire to enter into an argument *ad hominem*,—I have an argument of my own with which I wish to deal, at least to the extent I can, to establish the issues which I wish to make for the consideration of this House,—but the fact remains that we were invited to the Town Hall in Bombay, and we were solemnly told by Lord Willingdon, for whom undoubtedly neither of us had very much affection.

Mr. M. A. Jinnah : I do not know about you.

Mr. Bulabhai J. Desai : I know very much about my friend,—anyway I think it is very unjust that we should enter into personal dispute. We stand on principles, and I hope my friend, assuming it is necessary to justify any position, will do so on matters of principle,—but I was merely on the question of issue. We were called together and told,—‘Here is an Empire engaged in a big war, and after all, what is it being fought for?’ This was during the middle of the war when the thing became more and more tense, when recruits and money were both required, and, I believe, on the following day a meeting was to be held in the Town Hall of Bombay for the purpose of inaugurating what was called the War Loan. At that time a message was read out to us purporting it to come from Mr. Lloyd George who then successfully began what was called the great drive for national protection. And he said, echoing, I believe, the words of President Wilson,—that this is a war for the salvation and liberation of the subject races. On that promise, on that hope, on that inducement, our loyalty was called into being, and we did everything, including Mahatma Gandhi, we did everything in our power, to the extent to which our ability and resources permitted us, to support that war. What came out of it then? Can we trust that this is a war from which India has anything to gain except merely that we should lend our men, our money and all our resources in order that your proud Empire may once more remain intact? That is our objection to the Empire idea. It is not a mere idea,—it is a matter of principle. We have realised by experience, bitter experience, experience learnt at great cost of loss of lives, loss of men and money, that the Empire only means this,—that there shall be someone who will be the person to rule everybody and the rest will be the subject races, and those, who had the strength not to remain subject races, were by the Statute of Westminster, for all practical purposes, allowed to clear out of this show. The only thing that is left of the Empire is England as the master, India is the biggest subject race, and a few other small countries in many parts of the world. If this is the kind of Empire that you want us to defend, we regret very much that even if we were willing to sacrifice our personal liberty in a cause which appealed to us, this is certainly no cause which appeals to us, because we have realised the result,—and that is the kind of war for which you want that this Bill should be passed in order that more recruits may come in. And then consider the attitude of England. Referring to my friend, Mr. Aikman’s speech, what did he want us to do? He said: “Oh, England has the same prestige.” Well, I am not concerned whether she has the same prestige or not. He knows exactly what it is. And he instanced the mission of Lord Runciman. It is the fifth piece of political

treachery I can think of. I wish my friend had not brought it up. It is not a question of strength,—I am not bothered about either the tiger or the old woman or the old man or the rich man or anything else, but the fact remains that at the end of that war England came out richer in the subjection of other people than she had been before. That is what we had fought for or were induced to fight for, for the Empire remained with mandates. What that mandate means is a matter on which my friend had a lot to say, and on which I shall say only a few words when I come to it. But that was the result of the Empire,—added subjection of races who were not otherwise subject to that Empire.

Then, the League of Nations began, and we were asked to join it. But as soon as we joined it as an equal member, it struck the Prime Minister of England that it was altogether a dangerous thing. So they made a uni-lateral declaration binding upon us that no matter between India and England as regards their inter-dependence can be brought before the League. That was the first act.

Next came Manchuko, liberty of free people, not merely the liberation of subject races, but subjecting people who were free, and that is what you are assisting in. That was the next. Then came Ethiopia and the sanctions. I remember very well being present in the House of Commons when the withdrawal of sanctions speech was made by the then Foreign Minister. I happened to be in the gallery, and he said this: 'We admit, gentlemen, that it was a wrong, but we could not right the wrong without avoiding a war, and we are not prepared to fight the war'. That is the brave Englishman. But why need he be brave? He said: 'I have got all I have; so long as I can get the other people fight, other people acquire other Empires, they must acquiesce in my maintaining my own'. Well, now you are having another scene enacted in Spain, and the last scene of all is the one to which my friend referred, and let me read to him a passage as to how Lord Runciman is regarded by those whom it is going to pinch. This is the report from the *Times* of the Prague special correspondent. This is what he says:

"Lord Halifax, in explaining Lord Runciman's mission to the House of Lords recently, compared the problem to be solved in Czechoslovakia with those of reconciling peoples of diverse race and blood, which have so often confronted the British Empire. This shows how greatly the issue is misunderstood in the outer world. If it were only a question of solving the grievances of the Sudetan Germans, how simple would the matter be! But it is not. The Sudetan Germans are German, and Henlein is Hitler. The issue is not the treatment of the Sudetan Germans; the glittering prize is the political control of Prague and Czechoslovakia, the reduction of the Czechoslovaks to the status of hewers of wood and drawers of water for the Germanic family which they had until twenty years ago...."

In other words, you want to send a man to demoralise the Czechoslovakians who wish to fight for the integrity of their State. If that is the mission, I can well understand it. I can easily understand that England does not wish to fight a war so long as other people take other peoples' properties and not England's. And, therefore, I am not one of those who are going to be deluded by the idea—'Oh, we are the makers and the keepers of the world peace'. Yes, you are the keepers of other peoples' peace, you are the keepers of other peoples' body and soul and properties. Then you say: Oh, India will be engaged in the next war, you are going to defend India's liberty. You

[Mr. Bhulabhai J. Desai.]

are going to defend India as the property of England. That is your definition and idea of defending India. Therefore, when you talk of defending India, say that you are defending your property, the India, instead of saying "defending India", and I shall be the last to assist either of the two hypocrisies for which this war is going to be waged. The first is, let me keep my Empire so long as you can get an Empire somewhere else. With that I have no quarrel. And says Mr. Runciman: 'You must, after all, realise that I am here to prevent a war. You have got to fight if you don't come to an agreement and so on, and the real reason is also well known to my friends. France openly declared in a meeting that if Czechoslovakia had any issue on this we will fight the war. England at the same time was called upon to make a declaration of policy. They said: 'You are very unwise people, you will not listen to our advice. We have nothing to do with you. You fight your own'. Now that is not what I call an honest world peace maintaining policy at all. Nor does it redound very much to the prestige of the great country of which my friend speaks. But the fact remains that apart from the question of principle it is not a matter—and let us not delude ourselves with the idea.

I come to my Honourable friend, Maulana Zafar Ali, and my Honourable friend, Mr. Ghulam Bhik Nairang. They say, we do admit that Britain has used her forces against all Islamic States hitherto. There are no two opinions about it, but my Honourable friend says, we must have an Indian army, and then when he was asked, and quite rightly asked, but supposing that Indian army, what you call the Indian army—to which I shall come in a minute—were used against some of these very States, he says, "I have my card, it is inside for the moment, it cannot be shown". But my Honourable friend, Maulana Zafar Ali, said more explicitly, and I should like to read to the House so that he may see the paradise he lives in. This is what he said:

"He agreed with the object of the Bill to punish attempts to dissuade any one from enlisting in the Army; but when it came to the question of using these recruits for Imperialist purposes, for blowing up Palestine or bombing Waziristan or the dismemberment of Arabia, the Bill would be mischievous."

As if my friend, after the Bill is passed and the would be recruit becomes a soldier—his advice is going to be taken as to how that army is going to be used. Let him not flatter himself.

(At this stage, Maulana Zafar Ali Khan rose in his place.)

I do not give way. His advice will not be taken; nobody will bother about it. My Honourable friend, may remember that this is not the kind of spacious argument that can satisfy any man of common sense. You may argue as you like. You may vote as you like, but do not tell us, "Well we agree with you, with the grievances which you and I have in common". You seem to think that you have the strength to prevent those grievances being perpetuated in the future. It is perfectly obvious that once the army under any excuse is mobilised in this country my Honourable friends would not be asked—they will not be asked when the war is declared, and of course what the strategy is going to take place, as to where and how the war is going to be fought they won't consult you. But my Honourable friend believes in the wisdom of bolting the door after the horse has run away. He believes

in the wisdom of remaining in a paradise of his own where in an illusion he believes almost by the power of some magic or some other process, as soon as they come to Palestine, as soon as they do anything which is called Muslim in any form or in any shape, there Maulana Zafar Ali will wipe away the British army from going there.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) : We will act and not speak.

Mr. Bhulabhai J. Desai : Let us face the facts, let us face the facts as men, let us face the facts like reasonable men. The fact is, if you do not do it now, if you forfeit your first right and principle of persuading a man to do the right, you would have sold yourself and your country's freedom outright and once for all. Then we come to the Indian army. Yes, it is an Indian army, only Indian in one sense of the term. That poor India pays for it, and poor India provides the fodder. For when it comes to officering it, Indians do not exist. When it comes to using it, Indians do not exist, their consent is not required. That is the Indian army to which you are going to lend your support lest that Indian army should disappear. Allow me to tell you in voting for this Bill you are committing an atrocious crime on liberty, on civil liberty, knowing that the laws which exist in the country are quite enough for any legitimate purpose, for any legitimate suppression, for any legitimate prevention of force, intimidation or any other non-permissible means. But what you want to do is this. You want in advance to declare to the world. Therefore, we won't agree to it on principle. You must also remember as my Honourable friend, Mr. Asaf Ali, has so clearly made out,—have you found out why recruits are not coming, on the assumption that they are not coming? The only defence pointed out was this. I remember when the Criminal Law Amendment Bill came there was a whole book of speeches circulated for the purpose of justifying those provisions which were incorporated in it, including the provisions which my Honourable friend pointed out were temporary provisions in that Act. My Honourable friend, Mr. Ogilvie, tried to refer to a speech but he dared not produce it or it did not exist. I do not blame him for it because he was told probably by the C. I. D. My Honourable friend said there were 150 meetings, 75 speakers, Youth Leaguers, Communists and so on and then he sat down. Such meetings are held today for public purpose, for teaching India the first principles of political science. The Government realise that there is no justification in fact for this Bill. But there is this one justification for their apprehension and that is this. That the Indian man is not going to be a hireling of the future. It is that which is their fear. They have begun to realise, notwithstanding my Honourable friend to the contrary, who said, "We want to sell our cotton". I hope he will keep it to himself. But if there is going to be a war I do not want that our Indians should lay down their lives as they did before, like fools, like dupes between the years 1914 and 1919. We shall no longer be the dupes of this Empire. Therefore, the grounds on which we put our case are obvious. They are grounds which have no distinction between Hindu, Muslim, Jew, Parsee or anybody, and allow me to tell my friends that I am not going to imitate what they told me. It is not a matter of any personal dispute so far as we are concerned. It is not a matter of our saying 'No' because you say 'Yes'. We have often gone behind you wherever any of your

[Mr. Bhulabhai J. Desai.]

measures were those which supported a nationalist policy. We have no *amour propre*, and I refuse to accept the challenge of my Honourable friend, Maulana Zafar Ali, when I have no perpetual or any quarrel with him either. He can do exactly what he likes, he is free to do what he likes. He told us, "Oh ! these Congress people. The Government want our vote. You want our vote"—like a coy maiden being wooed. What I want them to realise is this—that this idea about determining or stabilising factor is a very poor idea indeed. And I wish to tell you this. I quite agree that 55 hired individuals are available and a few more might be useful. But when the whole House is elected it would be a different story. If I have asserted my principle and if it is lost it does not matter. If you assist me in asserting the principle well and good and, if not, they may certify the Bill. But those days will some day go ; this House will be an elected House. Then this question of stabilisation and wooing the coy maiden would not arise. Therefore, may I tell you, do not draw lurid pictures of things. We respect your vote. We want every vote of every man in this House, but not as a matter of quarrel, not as a matter of dispute, not as a matter of bargain. You stand for the right, I stand for the right. We are both agreed that the use of these armies has been put against Islamic States. But I do not want to put it on that ground. I put it on the ground, whether a State be Islamic or Christian or any other, —so long as the people are free and want to maintain their freedom I shall not be a party to deprivation of that freedom by the use of my men and my money. That is the broad basis which we have set to ourselves, and that is the broad basis by which we shall stand.

There is one more point which I wish to deal with and which my Honourable friend, the Law Member, dealt with. The fact remains, examining the speeches of Mr. Ogilvie, of Mr. Maxwell and others, that there is a faint whisper that the Punjab Government requires this.

In the first instance, even if it were true and even if it were demonstrated by any despatch between the two Governments produced for our benefit here, I would still say that it is a matter in which you cannot hustle and rush this House. There is such a thing as the rest of the country. May be you get more recruits in one area than in another and, I hope and trust, that Punjab does not exhaust the rest of India from any point of view and every point of view. Therefore, I maintain that no solid case has been made out. Not a suggestion is made of any requisition from the Government of any other province for the purposes of this specious excuse for what I might call the blackest statute on the Indian Statute-book, but that is not all. There is something much more that I wish to deal with and which I wish to present to you and to the House. It was claimed on behalf of the Government that this legislation falls within what you may call the exclusive list of the Federal Legislature. I venture to submit, and I should do so at very very short length, that it is a concurrent subject and being a concurrent subject, why should this House undertake the responsibility of doing this dirty job for the Punjab Government and sacrifice its principles. I will now call attention to List I in the Schedule :

" 1. His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for

employment in Indian States or military or armed police maintained by Provincial Governments ; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment.'

Then we come to Item I in the Concurrent List :

" Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power."

There are laws referred to in List I now in the Indian Penal Code and that is the chapter relating to the army, naval and air force. The whole fallacy underlying the argument of my friend, the Law Member, is this—not excluding the laws but excluding things to be made laws in future. Now, that is in short the substance of the whole of the fallacy underlying the argument. What is excluded by Item No. I in List III is laws with respect to any of the matters referred to in List I and there are such laws undoubtedly. That is to say, if any Local Government wanted to amend the Indian Penal Code in respect of any of those sections relating to the discipline of the army, such as desertion, harbouring, etc., etc., all that could not be touched but it requires much more ingenuity and perhaps less perception to be able to accept that a thing which is not a law is a law and, therefore, should be accepted. That is the whole of the argument so far as I can see. Now, look at what is provided in this Bill :

" Whoever wilfully dissuades or attempts to dissuade the public or any person

Now, those are the class of people against whom the law is intended to be made. So that, it deals with freedom, as I call it, which I enjoy today, to dissuade a man who is a civilian. He might be called a would-be recruit but that is merely an expression—it is the freedom of one civilian to persuade another civilian not to become a non-civilian. That is the whole of section 2, item (a). Item (b) punishes a person who teaches some poison to the man after his recruitment, so that after having joined the army he might betray the army. I must confess that if my Honourable friend had given the smallest attention to the most elementary plain language of the Code, there was not the smallest difficulty in his seeing that it is a concurrent subject. Being a concurrent subject, it is the right of this House, particularly when a requisition has only come from one single province, to say that it shall not exercise its vote.

I wish to call attention to the policy underlying this matter which is contained in the Joint Parliamentary Committee Report on page 145. It was then anticipated that single provinces in the matter of concurrent subjects might wish to foist their will with the only too willing support of the present irresponsible Government and hustle us into this kind of legislation. 234 is the paragraph from which I am reading :

" There are obvious attractions to those who wish to see the freedom and initiative of the Provinces as unfettered as possible in an attempt to ensure by provisions in the Constitution Act that the powers of the Centre in the concurrent field are to be capable of use only where an all-India necessity is established, and where the enactment in question can appropriately be, and in fact is, applied to every province. We are clearly of opinion that such a restriction, apart from the prospect of litigation which it opens up, would tend to defeat the objects we have had in view in revising the List of concurrent subjects. For similar reasons we should strongly

[Mr. Bhulabhai J. Desai.]

deprecate any provision requiring the prior assent of the provinces, or of a majority of them, as a condition precedent to the exercise by the Centre of its powers in this field or the condition suggested in the White Paper that the Centre is to be debarred from so using its powers in respect of a concurrent subject as to impose financial obligation on the Provinces. We recognise that, in practice, it will be impossible for the Centre to utilise its powers in the concurrent field without satisfying itself in advance that the Governments to whose territories a projected measure will apply are, in fact, satisfied with its provisions and are prepared, in cases where it will throw extra burdens upon provincial resources, to recommend to their own Legislatures the provision of the necessary supply."

I am aware that my Honourable friend, Mr. Jinnah, asked a question and I think my friend, Mr. Nairang, referred to an amendment which stands in his name, namely, that every province will apply the provisions of this Bill as it likes. Have you translated in your own mind what is the meaning of such a provision in practice. I have never known a piece of legislation of this type in which the provisions are to apply immediately to one province and the other provinces will apply them at their will and pleasure. This is an extraordinarily funny piece of legislation that we are asked to enact. Let the province which wants it, in the exercise of its power, create an offence and then apply it to its own territories but the fact remains that the rest of the country have not made any requisition for a Bill of this kind. That is enough for our purposes. It is only the Punjab Government which has been consulted so far as I am aware and the motion which stands in our name is an exceedingly simple and modest motion. After all let us see what the rest of the Indian provinces have got to say.

Now, if it is going to be a law for recruiting for the whole of India, I

5 P.M.

hope the Marathi and all the other recruiting areas, which are not within the sacred precincts of the Punjab, are not to be altogether left out of consideration for the purposes of this Bill. I daresay it might be today that that is so but I hope that is not going to be the case in future. Therefore, the motion that we stand for is of an exceedingly modest character. Government have made out no case; they themselves almost confess that they cannot produce an iota of evidence except for a few socialistic and other meetings which were alluded to by my Honourable friend, Mr. Maxwell. Beyond that, they have produced no evidence. There is nothing in support of rushing this measure through this House and we, therefore, ask at all events that we may have another opportunity, first of knowing what the Indian opinion is, and having known that, to what extent this matter of principles stands in the light of proved necessity,—and whether or not one of the elementary principles of human liberty, that of persuading one civilian by another to do so and so and not to do what he is not obliged to do except under peril of a punishment like this—is violated. One word more, Sir, and I have finished. The fact remains that they visualise a war—as will appear from the Statement of Objects and Reasons. Now we would never be willing parties to such a war, for we realize that the Empire in that sense stands for quite different ideas and ideals and of which we have been the victims for quite a long time. Sir, I am not one of those who wish to be perpetual slaves of Britain because some of my friends tell me, "Oh, if Britain goes, Japan comes"; at all events, so far as I am concerned, I am one of those who believe at least in trying to carry on a

struggle ourselves, instead of perpetually remaining on as slaves lest another man may deprive you of your liberty. It is one of those specious arguments which we are accustomed to listening to, "Oh, but there is fear all-round, how are we going to behave? Are we not patriots?" Sir, let us at all events be men. We have learnt to be men and we are not merely going by a certain argument and to ensnare our minds and our own hearts in order that we may justify our own slavery. On the strength of that one argument I am going to appeal to you, therefore, that we are entitled to time and this House is entitled to time. But apart from any question of time I say that, whatever the excuse given, anybody who votes for this Bill, modified or unmodified, sells India's freedom and betrays India's birth-right.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd August, 1938.
