

23rd August 1938

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, 1938

(8th August to 25th August, 1938)

EIGHTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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SYED GHULAM BHIK NAIRANG, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 23rd August, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

BEGGAR NUISANCE ON RAILWAYS.

374. ***Mr. Lalchand Navalrai :** (a) With reference to starred question No. 1123, dated the 31st March, 1938, will the Honourable Member for Railways be pleased to state if the beggar nuisance on the platforms and premises of stations on the State-managed Railways has decreased since the aforesaid starred question was asked in the Assembly ?

(b) Have the administrations given any information of improvement in this matter, to which their attention was drawn as stated in reply to clause (e) of the aforesaid starred question ?

(c) Has there been any report of the Agent on the North Western Railway as to his having taken any action against the staff of the stations who have been allowing beggars on the platforms without tickets and begging from the passengers in trains, and what further steps has he taken in respect thereof ?

The Honourable Mr. A. G. Clow : (a) Government have no information.

(b) and (c). No.

Mr. Lalchand Navalrai : The Honourable Member is himself aware of the beggar nuisance on the railways ? Has anything been done to minimise this nuisance ?

The Honourable Mr. A. G. Clow : Yes, Sir, a letter was sent by the Railway Board on the 30th May to all the Agents and General Managers of Railways calling their attention to the questions which have been asked in the previous Session in this House and asking them to exercise their powers more freely in the matter.

Mr. Lalchand Navalrai : Was the Railway Board sleeping over this question and did they not get any information as to whether their orders have been carried out and whether any improvement had been noticed or not ?

The Honourable Mr. A. G. Clow : It is too early. The letter referred to by me would have been received by the Agents and General Managers only about the beginning of June. I do not think it called for a reply.

Mr. S. Satyamurti : Have Government got any information that railways are taking any steps to prevent this growing nuisance, of which many of us who are travellers by railways are aware ?

The Honourable Mr. A. G. Clow : I am not sure that it is a growing nuisance. Railways do take steps in the matter.

Mr. S. Satyamurti : Have Government any official information as to the results of the steps taken ?

The Honourable Mr. A. G. Clow : No information since June.

Mr. Lalchand Navalrai : Is the Honourable Member aware that people actually entrain without tickets always and with tickets sometimes and they beg in the carriages in the name of charitable associations and for other purposes.

The Honourable Mr. A. G. Clow : I was not aware of that. If the Honourable Member will make a complaint of any particular incident the railway staff will certainly attend to the matter.

Mr. Lalchand Navalrai : I am now telling that this practice is going on, and is the Honourable Member going to do anything to stop this nuisance ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already given his reply.

Mr. Manu Subedar : May I know whether the circular promised by Sir Thomas Stewart, in reply to my question, was issued to all the railway administrations on this subject and whether any reply has been received from them ?

The Honourable Mr. A. G. Clow : I have already explained in reply to the question of Mr. Lalchand Navalrai that a circular was issued on 30th May and that no reply was called for.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member in a position to give figures as to whether this nuisance is on the increase or on the decrease ?

The Honourable Mr. A. G. Clow : No.

Mr. S. Satyamurti : It is a general nuisance of which the Government must be aware. Will the Government give the House any indication of the general nature of the steps which are being taken to put down the nuisance ?

The Honourable Mr. A. G. Clow : What the railways were actually asked to do was that the suggestion was made that station masters might be encouraged to exercise the power they have under the existing general rules of removing from railway premises any person who is not a *bonâ fide* passenger and who has no business connected with the railway.

Mr. K. Santhanam : Will Government consider the desirability of taking concerted action in certain big railway stations in order to devise measures to tackle this evil ?

The Honourable Mr. A. G. Clow : Government have no further special measures under contemplation. If in future the co-operation of passengers is forthcoming in the matter, I am sure that the station staff will be ready to listen to the complaints and remove this evil.

Mr. N. M. Joshi : Have the Government of India ever considered that the best way of preventing the beggar nuisance not only from the stations but from elsewhere is to ask the Provincial Governments to undertake the responsibility of maintaining these beggars ?

The Honourable Mr. A. G. Clow : That, Sir, is a matter for Provincial Governments.

LOSS EXPECTED ON THE AIR MAIL SERVICE AND NEW POST OFFICES IN VILLAGES.

375. ***Mr. N. M. Joshi :** Will the Honourable Member for Communications be pleased to state :

- (a) the approximate amount of loss which is expected on the air mail service during the current financial year ; and
- (b) the approximate loss due to the opening of new post offices in villages during the same period ?

The Honourable Mr. A. G. Clow : (a) The estimated net saving on the Empire Air Mail route in the first year is Rs. 2.56 lakhs and the estimated expenditure on the internal routes is Rs. 13.75 lakhs, giving a net increase of expenditure of Rs. 11.19 lakhs.

(b) No estimate of the loss likely to occur by opening new Post Offices in rural areas is possible as the amount would depend on the number of such offices to be opened during the year and on the loss actually incurred in the case of each such post office.

Mr. N. M. Joshi : In view of the fact that the number of people who make use of the air mail is extremely limited and in view of the fact that that limited number is well-to-do, will the Government of India take steps to see that there is no loss on air mail and that whatever money is saved should be spent in opening village post offices ?

The Honourable Mr. A. G. Clow : That is a long question. It involves an assumption which I am unable to accept that the benefit of the air mail is only to wealthy persons. The advantages accrue to the general public through the benefit to commerce which ensues.

Pandit Lakshmi Kanta Maitra : Will the Honourable Member tell us the number of rural post offices opened during the last year ?

The Honourable Mr. A. G. Clow : I must ask for notice.

Mr. Lalchand Navalrai : With reference to part (b), is it a fact or not that new post offices are being opened when people pay for them and why should there be any loss on this account ?

The Honourable Mr. A. G. Clow : Not invariably. Not even generally.

Mr. K. Santhanam : May I know if the loss of eleven lakhs referred to will be permanently recurring or is it expected to be made good in a short time ?

The Honourable Mr. A. G. Clow : I think that is an average, but I would refer the Honourable Member to the financial statement which was appended to the memorandum presented to the Standing Finance Committee which gives year by year the financial effect as it is estimated.

Mr. S. Satyamurti : In view of the fact that the post office is now-a-days constantly being treated by the Government as a commercial department, and in view of the fact that the people who use this air mail service are, comparatively speaking, rich, will Government consider the advisability of increasing the air mail rates so as to eliminate this loss altogether ?

The Honourable Mr. A. G. Clow : No such proposal is under consideration.

Mr. S. Satyamurti : Why ?

The Honourable Mr. A. G. Clow : One reason is it is doubtful whether it would be beneficial.

Mr. N. M. Joshi : May I ask whether the Government of India will give us some idea about the indirect gains which the country makes by the air mail to compensate for the loss of eleven lakhs ?

The Honourable Mr. A. G. Clow : I must leave the Honourable Member to form his own conclusions.

MAKING THE PROCEEDINGS OF THE MEETINGS OF THE BOMBAY PORT TRUST OPEN TO PUBLIC INSPECTION.

376. ***Mr. N. M. Joshi :** Will the Honourable Member for Communications be pleased to state :

(a) whether, with reference to the replies given to my starred questions Nos. 404, 405 and 406, asked on the 21st February, 1938, he has completed his enquiries and come to some decision regarding making the proceedings of the Bombay Port Trust open to the public ;

(b) if so, what his proposals are ; and

(c) if not, when he expects to come to some decision ?

The Honourable Mr. A. G. Clow : (a) and (b). The matter is under correspondence with the Port Trusts.

(c) In the near future.

REPRESENTATION FOR THE REDUCTION OF FARES AND ISSUE OF RETURN TICKETS BETWEEN CERTAIN STATIONS ON THE GREAT INDIAN PENINSULA RAILWAY.

377. ***Mr. Govind V. Deshmukh :** Will the Honourable Member for Railways please state :

(a) if a representation was made by the public of Arvi, District Wardha, Central Provinces, to the Great Indian Peninsula

Railway authorities to reduce railway fares and issue return tickets from Arvi to Amraoti, Arvi to Nagpur and Arvi to Wardha ; and

- (b) whether the representation was considered favourably or rejected ; if rejected, on what grounds ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Reduced return fares are already in operation between the stations to which the Honourable Member refers. The question whether any further reduction in these fares can be justified is being examined by the Railway Administration.

SHARES OF INDIAN TRANS-CONTINENTAL AIRWAYS, LIMITED, HELD BY INDIAN NATIONAL AIRWAYS, LIMITED.

378. ***Seth Govind Das :** Will the Honourable Member for Communications please state :

- (a) the percentage of shares of Indian Trans-Continental Airways, Limited, held by Indian National Airways, Limited ;
- (b) whether it is contemplated to increase the capital of the Indian Trans-Continental Airways, Limited ; if so, to what tune ;
- (c) whether it is contemplated allowing the existing shareholders to possess holdings in proportion to the increased capital ; and
- (d) whether it is contemplated increasing the capital of the Indian National Airways ; if so, to what extent, and how the shares will be subscribed for the proposed increased capital ?

The Honourable Mr. A. G. Clow : (a) and (b). I would refer the Honourable Member to the reply I gave to Sardar Mangal Singh's starred question No. 155 on the 12th August.

(c) I presume the Honourable Member is referring to the shareholders in the Indian Trans-Continental Airways. If so, the reply is in the affirmative.

(d) I understand that the authorised capital will not be increased but that a fresh issue will be offered to the public.

EXPIRY OF AGREEMENT WITH THE TRANS-CONTINENTAL AIRWAYS, LIMITED.

379. ***Seth Govind Das :** Will the Honourable Member for Communications please state :

- (a) whether it is a fact that the agreement between Government and the Trans-Continental Airways, Limited, is due to expire in 1939 ;
- (b) whether Government are aware that at the meeting of the Standing Finance Sub-Committee of the Assembly held on the 14th March, 1929, Sir George Schuster, had stated that

not less than 75 per cent. of the voting rights would give Government the control desired over the affairs of the Company ;

- (c) whether it is a fact that Sir George Schuster further stated the methods by which 75 per cent. of the said voting rights might be secured while Government need only find ten per cent. of the capital, and the Standing Finance Committee agreed to it ;
- (d) whether Government's attention has been drawn to the recommendations of the General Purposes Sub-Committee of the Indian Retrenchment Advisory Committee, 1931, against allowing any non-Indian Company to start the air link between the East and the West ;
- (e) whether Government's attention has also been drawn to the assurances given by Sir Frank Noyce in 1933 in the Legislative Assembly that the arrangements were subject to the provision that in 1939 " the Government of the day would be perfectly at liberty to reconsider the whole position " ; and
- (f) whether Government reconsidered the whole question, particularly in view of the recent inauguration of the all-up Empire Air Mail Scheme, and if so, whether they propose to utilise this occasion for having predominant Indian controlling interests in the vital industry of aviation ?

The Honourable Mr. A. G. Clow : (a) The agreement made in 1933 between His Majesty's Government and the Government of India for the participation of Indian Trans-Continental Airways in the Karachi-Singapore Air Service was due to expire on 31st March, 1939. The attention of the Honourable Member is invited to the reply given to parts (a), (b) and (c) of his starred question No. 151 on the 12th August, 1938.

(b) and (c). I would refer the Honourable Member to the reply I gave to part (b) of Mr. Satyamurti's starred question No. 32 on the 8th August, 1938.

(d) All the recommendations of the Committee were brought to the notice of Government.

(e) Yes.

(f) The inauguration of the All-up Empire Air Mail scheme was the result of the arrangement to which the Honourable Member has referred in part (a) of his question, and no occasion for reconsideration has thus arisen.

Seth Govind Das : What was the reason to enter into this new agreement when the old agreement was due to expire in 1939 ?

The Honourable Mr. A. G. Clow : I explained that in reply to a previous question in this House.

Mr. Manu Subedar : With reference to clause (e), does the reply mean that this Government have tied the hands of the Government, whoever they may be, during the next 15 years, or will they be free to terminate this agreement when they like ?

The Honourable Mr. A. G. Clow : No, Sir ; the arrangement is for 15 years.

Mr. Manu Subedar : Will they have the freedom to terminate this ?

The Honourable Mr. A. G. Clow : I do not think so.

Mr. Manu Subedar : Is there any clause in the agreement empowering them to terminate this ?

The Honourable Mr. A. G. Clow : Not so far as I am aware.

Seth Govind Das : Then in reply to part (e) of the question how does the Honourable Member say "Yes" ?

The Honourable Mr. A. G. Clow : What the Honourable Member asked me was whether Government's attention was drawn to that assurance, and I answered in the affirmative.

Seth Govind Das : How are Government going to give effect to what Sir Frank Noyce had made clear before this House ?

The Honourable Mr. A. G. Clow : Instead of reconsidering it in 1939 they reconsidered it at a somewhat earlier stage.

Mr. S. Satyamurti : With reference to the answer to clause (f) and the previous statements of my Honourable friend, may I know whether there is any opportunity for this Government or its successor to secure what is intended in the second part of the question, namely, predominantly Indian controlling interests in the vital industry of aviation ?

The Honourable Mr. A. G. Clow : Not at present, Sir.

Mr. S. Satyamurti : I am asking, with reference to this statement made by my Honourable friend some days ago, that some of these airways may throw their shares open to the market, and there will then be an opportunity for India to get bigger interests ?

The Honourable Mr. A. G. Clow : Certainly, Sir.

Mr. T. S. Avinashilingam Chettiar : With reference to clause (e) may I know why Government thought it fit to bind themselves for such a long period as 15 years ?

The Honourable Mr. A. G. Clow : I have explained that in answer to previous questions in this House. You cannot make arrangements of this kind terminable at short notice.

Seth Govind Das : Is it not a fact that the previous arrangement was made only for five years and that was also considered to be a long period ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of opinion. Next question.

METALLED ROADS IN INDIA AND RAIL-ROAD COMPETITION.

380. ***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways and Communications please state :

- (a) the approximate total length of metalled roads in India parallel and close to the Railways ;
- (b) if it is correct to say that passenger buses and goods lorries run everywhere on these metalled roads unless prohibited ;
- (c) the approximate number of buses and lorries that so run ;
- (d) if it is incorrect to say that more often than not, bus and lorry rates are higher than railway rates and that they are preferred to railways for conveniences denied by or impossible on railways ;
- (e) if Government have prepared a comprehensive list of bus rates where they compete with railways ;
- (f) if Government have ever asked the railways to investigate and give reasons specifically for each area why, in spite of higher fares, buses are patronised ;
- (g) if any investigation has been made as to what extent it is not possible for railways to supply the conveniences that can be given by the bus in each such area ; and
- (h) if the railways have by now done the utmost that is possible in the shape of grant of additional conveniences to wean back traffic from the bus ?

The Honourable Mr. A. G. Clow : (a) The figure given in Appendix A to the Mitchell-Kirkness Report is 13,227 miles. Government have no more recent information.

(b) I believe the statement to be generally correct, so far as buses are concerned. The use of goods lorries is not so common.

(c) The information is not available.

(d) On routes on which there is direct competition between motor vehicles and the Railways, I do not think it is correct to say that more often than not the bus and lorry rates are higher than railway rates. As regards the degree of preference for motor transport, it varies according to local conditions, and I am not in a position to generalise.

(e) No.

(f) Investigations are constantly made, but I am not prepared to accept the statement that in spite of higher fares buses are patronised as generally correct.

(g) Railways on their own initiative have made and continue to make such investigations as are practicable and steps have been taken to increase the amenities of passengers.

(h) I would refer the Honourable Member to paragraphs 51 and 88 of Volume I of the Report by the Railway Board on Indian Railways for 1936-37 which give particulars of the action taken by Railways to meet road motor competition, and to provide amenities for passengers.

Mr. Brojendra Narayan Chaudhury : With regard to clause (d) will it not be more correct to say "often" instead of "more often" ?

The Honourable Mr. A. G. Clow : "Sometimes" would be correct.

Mr. K. Santhanam : With regard to part (h), is it a fact that the improved type of third class compartments have not come into general use on any railway ?

The Honourable Mr. A. G. Clow : Not yet ; it takes a long time to replace stock.

Mr. S. Satyamurti : With reference to part (d), may I know if sometimes when bus and lorry rates are higher than railway rates, passengers prefer to travel by buses because of conveniences denied to them on the railways ?

The Honourable Mr. A. G. Clow : If the word "conveniences" means stopping opposite one's house or something like that,—yes, certainly.

Mr. N. V. Gadgil : When do Government hope to bring the new carriages into general use ?

The Honourable Mr. A. G. Clow : I believe there are a number provided for in the new programme.

SCHOOLS IN THE NAGA HILLS DISTRICT IN ASSAM AND ERADICATION OF SLAVERY.

381. ***Mr. Brojendra Narayan Chaudhury :** Will the Foreign Secretary please state :

- (a) if the Naga Hills District in Assam is a tribal area ;
- (b) the number of schools of different grades in Naga Hills ;
- (c) the number of villages which are within reach of a school ; the total number of villages in the district ;
- (d) if the system of slavery has existed in Naga Hills from times immemorial, and if it is sanctified by social customs and complicated with civil rights ;
- (e) the measures taken by Government to civilise the people and to modernise their ideas of rights of person and property ;
- (f) if military expeditions of burning of villages were recently, within a year or so, undertaken with a view to checking slavery by releasing some slaves ; and
- (g) if slavery has been completely eradicated after the expedition referred to ?

Sir Aubrey Metcalfe : (a) No. It is an administered District and an excluded area.

(b) (i). *Lower Primary Schools :*

Government . .	115
Government-aided	10
Mission	36
	<hr/>
	161
	<hr/>

(ii) *Middle English Schools :*

Government	..	1
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(iii) *Training Schools :*

Government-aided ..	2	(up to Middle English standard).
Mission	2	(Up to Upper Primary standard).
	<hr/>	
	4	
	<hr/>	

(iv) *Industrial Schools :*

Government	..	1
	<hr/>	
Grand Total	..	167
	<hr/>	

These figures refer to schools in the Naga Hills District. There are no schools in the tribal area, which consists of hills inhabited by Nagas and is sometimes loosely included in the term "Naga Hills".

(c) The number of villages which are within a reach of a school is 193. The total number of villages in the Naga Hills District is 481. The number of villages in the tribal area is not known.

(d) If the reference is to the Naga Hills District the answer is in the negative. If the hills inhabited by Nagas in the tribal area are meant the answer is that slavery used to exist in a few special areas, but it is believed that it has now been eradicated.

(e) The usual measures of education, opening up of communications, provision of medical facilities and maintenance of public security.

(f) There has been no military expedition but a column of the Assam Rifles visited the tribal area in 1937 and again in the cold weather of 1937-38 and freed what are believed to be the last remaining slaves. Attention in this connection is invited to statements on the subject which appeared in the Press and copies of which are laid on the table of the House for ready reference.

(g) It is believed so.

(Issued early in 1937.)

India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively and as soon as possible the complete abolition of Slavery in all its forms. It was however found necessary to make a reservation in respect of certain outlying and inaccessible areas bordering on Assam and Burma where it was thought, it would be difficult to implement our undertaking effectively. Recently the Government of India have agreed to the reservation being withdrawn in respect of certain areas including the tribal areas East of the Naga Hills District in Assam. As a first step towards the fulfilment of the requirement under the Slavery Convention to bring about the abolition of Slavery in this area the Government of India, at the request of the Government of Assam, agreed to an expedition, headed by the Deputy Commissioner, Naga Hills, and composed of a column of Assam Rifles. The object of the expedition was to acquaint the headmen of the villages with the determination of Government to suppress the practice of Slavery and, if they persisted in an attitude of defiance, to punish them. This action was rendered imperative by the conduct of one of the villages in that area, namely, Pangsha, which, with the assistance of certain other villages, had been raiding and destroying the weaker villages in their neighbourhood and holding their captives as slaves in defiance of warnings from Government. The expedition was a complete success; and the following report of the Deputy Commissioner, Naga Hills, is released for the information of the public.

I left Mokokchung on November 13th with two and a half platoons of the 3rd Assam Rifles under the command of Major Williams, and 360 carriers under the command of Mr. Smith. Dr. von Furer-Haimendorf of Vienna University accompanied the expedition as an anthropologist. On the 19th Panso came in to see me at Chentang and their friendly overtures relieved our anxiety regarding our flank. On the same day there arrived a truculent challenge from Pangsha. On November 20th we reached our advanced base at Chingmei where the loyalty of my old friend Chingmak was of inestimable value. There we found that Pangsha had handed over to him all their slaves but one; they still defied us to visit them, and I found they had terrorised the whole neighbourhood, threatening to destroy any village which helped us. My first object was to visit Yimpang. They had already returned the only slave they held to Mokokchung when they heard that a column was really coming out, and they had had some reason for raiding Kejuk, who had abetted Tuensang in their treachery—or rather the treachery of Saiyo a notorious rogue whom the decent elements in Tuensang now talk of killing for the good of the village. I wished to show Yimpang that when we intended to visit a village we did so, but that we harmed no one with whom we had no quarrel. This I accomplished on November 22nd, returning via Waoshu, a small village which had been dragged into the Saochu raid against their will out of fear of Pangsha. Noklak had sentries watching us from the range to the East of our camp and sent an armed force to move parallel to us on our way to Yimpang; their men walked into Yimpang as we walked out, and announced that they had been ready in case Yimpang wanted any help.

On the 24th the column, with as few loads as possible, went to Noklak on the way to Pangsha. Noklak were evidently terrified at the thought of offending Pangsha and refused to clear the path for us. Most of it was a narrow, overgrown ledge along a precipitous cliff. Not only was it guarded by "panjis" (bamboo spikes) put there owing to their war with Chingmei, but additional "panjis", newly sharpened, had been planted for our benefit. In spite of the utmost care one advance scout was spiked right through the foot and one lance-naik and another scout were gashed. It was long before we could get in touch with the Noklak men and when we saw them they were very nervous. Eventually some were persuaded to come forward and talk. I knew that their hostility was due to pressure by Pangsha, and it was important not to have a hostile village behind us when we passed them. I therefore promised safety.

On November 25th we proceeded towards Pangsha and camped in the bed of the Langnyu River below the main village. Our route lay along the flanks of the hills on the west bank. Pangsha being on the slopes of the East bank. Soon after passing the Moklak-Pangsha boundary we saw a small, unarmed party of Pangsha men in the distance. Four were induced to come and speak to us, and brought with them a goat and a chicken. They asked whether we would make peace. There was not the slightest doubt as to the only possible answer. To have made peace, turned back, and abandoned the remaining slave at the price of a goat, a fowl and some smooth words would inevitably have been interpreted as a sign of weakness. Friends who had helped us would have been massacred and raid would have continued. I therefore told the envoys that I did not believe their statement that they could not produce the slave

girl, and that I was going to punish them for their conduct and insults to Government. I then sent them safely away.

By this time a very large armed party was already on the move to cut us off. We saw them crossing the Langnyu valley and outmanoeuvred them by cutting a path straight down to the river, and moving upstream in open ground. While getting into camp an armed body appeared above us and were dispersed, probably without casualties. Then three men rushed down to get ahead from the coolies cutting bamboos. They were fired on and turned back. Two fell, but picked themselves up.

On November 26th we burnt the main village, nearly losing four coolies who struggled against orders. In the afternoon we moved downstream to below the separate Wenshoyi "khel". Next morning the baggage with one platoon was sent straight back to Noklak, and one platoon with a few scouts and dobashis went up to burn the "khel". We were very heavily attacked on our way down in a last effort by Pangsha to wipe us out. It was only the skill and coolness of Major Williams and his force that enabled us to make a safe withdrawal to Noklak, without losing a man and after inflicting losses on the enemy, whom ground and cover enabled to charge to within 50 yards before they were stopped.

That evening Chingmei and Noklak made peace, Noklak being no longer in any doubt as to the safer side of the fence. I also fined Noklak for their previous hostility. Ponyo, who may have sent a contingent to help Pangsha, also came to see me. I sent word through them to Pangsha that if they would come and talk to me at Chingmei their envoys would be safe. This they did two days later. They admitted defeat and promised to stop slave-raiding and to return the remaining slave. All three villages swore an oath of friendship and were sent home with presents of salt. Pangsha kept their word and the slave girl was sent for and brought to our camp at Chentang on December 7th and is now safe with her parents.

Ponyo produced him at my request. He is now a freed man married in Ponyo and ignorant of a single word of Chang. He is perfectly happy and has no wish to return to Chang relations whom he cannot remember. I therefore sent him back to Ponyo at his own request, with an assurance from Ponyo that he is perfectly free to leave the village if he should ever desire to do so. The next task was to deal with Nokhu. We arrived at Panso on December 3rd and were given a great welcome as the conquerors of their sworn foes Pangsha. I got in touch with Nokhu, and representatives of every 'morung' came to see me. They confirmed, what I had already heard, that of the three slaves they captured one died, and two were returned to their relations as soon as news came that a column had really started. Enquiries left me no reason to doubt the truth of their statement and it can be accepted. Nokhu said they had no wish to suffer the fate of Pangsha and asked to be regarded as friends.

While at Panso I heard of yet another slave, a child captured by Sanglao from an unknown village called Phang, somewhere on the Assam side of the Patkoi to the South.

A Naga messenger from Panso takes a whole day to get there and a whole day to get back. A column from Panso could not have dealt with the village earlier than on the 3rd day. There are no local supplies at all, as no rice is grown, and with the rations we had it was impossible to undertake such a further unexpected extension of our tour. I therefore tried to negotiate with Sanglao. This I was able to do indirectly, though not directly, since no messenger from Sanglao ever got beyond the huge rabbit warren of Panso village and had always left by the time we heard he had arrived. The village sent in daos as a sign of friendship and has promised to try and get the child from his owner. Chingmak of Chingmei will continue to emphasise the seriousness of the message I sent that a column would certainly go out and destroy Sanglao if the slave is not handed over. From Panso we returned *via* Chentang and Tuensang to Mokokchung, arriving there on December 13th.

Summary of results.

(I) All the slaves captured by Yimpang and Pangsha, for the recovery of whom the expedition was originally sanctioned, have been rescued and restored to relations or friends.

(II) Steps are being taken to recover the slave held by Sanglao, of whom information was only received when the column was about to return.

(III) A hitherto unknown Chang slave now at Ponyo was brought in by that village. I satisfied myself that he is free and perfectly happy.

(IV) By the punishment of Pangsha a reign of terror over a wide area has been ended, at any rate for some time, and possibly permanently.

(Issued in the cold weather of 1937-38.)

"India is a party to the Slavery Convention, 1926, and has undertaken to bring about progressively, and as soon as possible, the complete abolition of slavery in all its forms. It will be remembered that a successful expedition was sent to the Pangsha tribal area in Assam in 1936 with a view to informing the headmen of the villages that Government were determined to suppress the practice of Slavery in those parts. After the 1936 expedition it transpired that certain villages in the tribal area still held slaves in spite of repeated warnings, and at the request of the Assam Government a further expedition to Nokhu and other villages in the tribal area was agreed to by the Government of India in 1937. The expedition was successful and the following report of the Deputy Commissioner, Naga Hills, is released for the information of the public."

After the 1936 expedition to Pangsha, it transpired that the village of SANGLAO still held one slave and in spite of constant warnings refused to release the slave. The Deputy Commissioner, Naga Hills, accordingly asked for permission to warn Sanglao that unless the slave were released the village would be visited and punished. Government permission was accorded to this action. It subsequently transpired that the village of NOKHU had not released their slaves in spite of their affirmations to the Deputy Commissioner last year, and that the village of PESU, south-west of Sanglao the position of which was then unknown, held at least one slave. It was not known whether villages further south held slaves or not. The sanction to the expedition was duly obtained from the Government of India. Throughout the rainy season constant attempts were made to get the villages concerned to release their slaves but although it was reported that Sanglao had obeyed Government orders, Nokhu and Pusu remained obstinate.

Accordingly on the 1st November a column composed of the 3rd Assam Rifles with a Civil Officer and other necessary staff left Mokokchung with the object of releasing the slaves and suppressing slavery for the future.

Chingmei village was reached on the 7th November without incident. All villages en route were most friendly. The 8th and 9th November were spent at Chingmei and loads were divided, as it had been arranged to send the surplus baggage and carriers to join the main column at the Zungki River on the 19th November. The baggage column subsequently had an uneventful journey except at YIMTSUNGAENRRR village which refused to supply carriers. The neighbouring villages however promptly turned out to help, and the original programme was adhered to.

On the 10th the main column reached Nokluk and on the 11th a last attempt was made to get Nokhu to release their slaves. Ever since the 6th November at Chentang, Nokhu had been sending in various deputations each with a different story as to where the slaves were, but alike only in saying that the slaves were not in the village. Each deputation had been told that the slaves must be produced. Up to the 11th however no slaves had appeared. Nokhu believed up to the last minute that as Government had not visited their village last year, they would not be visited this year.

The 11th November was spent in visiting Nokluk, a most friendly and interesting village, and in having a good look at the approaches to Nokhu and on the 12th November the column moved to Nokhu. On the way up to the village four slaves were produced. They had, of course, been in Nokhu the whole time. The column with the slaves moved up to a camp site close to Nokhu. The various messengers were then told to go back to the village and warn all concerned, that last year and this year they had lied consistently to Government. Their village would accordingly be burnt the following morning and any one found in the village would be regarded as hostile and shot. Next morning the village was attacked. Nokhu had left three sentries in the upper khel to give warning of our approach. One of these was shot dead and the other two wounded. We were told afterwards that this unexpected loss caused the main ambush waiting for us to leave the upper khel to panic and that there were many

casualties caused by the panjis laid for us on the path we did not take. On the 13th and 14th November we halted at Nokhu, and got in touch with the villagers who were all secreted in various nallahs through the good offices of HANUNG of Iangyok, a most useful and intelligent ambassador. Finally the fine exacted was paid and Nokhu swore a most impressive oath of future fealty to Government.

We halted for both the 13th and 14th November at Nokhu as I thought it advisable to realize a fine from Nokhu as a sign of submission to Government and to make peace formally.

On the 15th we started out for Sanglao. We had nowhere been able to get a glimpse of the village and it was a good deal further than we had thought. The path ran over the top of every hill on the ridge and it was a tiring march. Sanglao were overwhelmingly friendly. They had previously had one slave which they had handed back to Chiliso village on receipt of Government orders (Chiliso subsequently confirmed this).

We spent the 16th at Sanglao trying in vain to get in touch with Pesu, and recover the slaves. Owing to the efforts of Chitem, a Panso headman, three slaves were produced during the night but we failed to get in touch with Pesu at all. We could not afford another day's halt and accordingly on the 17th started for Pesu, the exact position of which was unknown. Just after going through Sanglao word was passed up that one of the slaves had vanished. The slave had been calmly lifted from the column by one of the Sanglao headmen as he had a claim against the slave's father. We were in consequence considerably delayed and unfortunately had no time to deal with that headman. We were again delayed by finding a large crowd of Panso men fully armed, on look out for loot on our tail and nearly had to use violence before they would go home. Further delay was caused because Pesu at last sent a representative to meet us and we had to hear him at length.

The raid on WAPHARR or WONGPONG was admitted and there was no excuse offered. As the raid had taken place on the 2nd November, it had clearly been a gesture of defiance. Accordingly information was sent that we were going to burn the village and any one found in it would be regarded as hostile. I had to give the Pesu representative start of half an hour and we then proceeded to Pesu, which was much further down the slope than we had thought, and burnt it without opposition. There was no water near Pesu and we accordingly pushed on to Chiliso, the chief of which village was with us and made camp by moonlight.

Mr. Brojendra Narayan Chaudhury : With regard to clause (e), is the Honourable Member aware that Mr. J. P. Mills, an experienced District Officer and a noted anthropologist, has written in a monogram to the Assam Census that the education of the type which is given has been on the whole an evil rather than good ?

Sir Aubrey Metcalfe : I did not hear the Honourable Member's question clearly, but he appears to be giving information and not asking for it.

Mr. Badri Dutt Pande : Who manages these schools in the tribal areas ? Are they managed by Government or by the district boards ?

Sir Aubrey Metcalfe : I have given all the particulars that are available and explained which are Government schools, which are mission schools and which are Government-aided schools.

Mr. Brojendra Narayan Chaudhury : With regard to (f) have Government considered this aspect of the matter that in the matter of eradication of superstitions like slavery, etc., the proper method is persuasion and importation of new ideas rather than the use of force, such as, sending the Assam Rifles, etc. ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter which cannot be discussed now. Next question.

INVESTIGATION INTO THE CONDITION OF THE BENGAL DELTA FOR FACILITATING STEAMSHIP NAVIGATION.

382. ***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member in charge of Communications please state :

- (a) if he is aware that Bengal Delta and particularly the estuarian river Padma are gradually silting up making steamship navigation more and more difficult and slow ;
- (b) if his attention has been drawn to the expert opinion expressed at Irrigation Conferences and of Dr. Radha Kamal Mukharjee to the effect that treatment by barrage and cultivation of the rivers Brahmaputra, Ganges, Jamuna, etc. (which ultimately fall into the Delta) in their upper courses in Assam, the United Provinces, and Bihar is responsible to some extent for the present condition of the Bengal Delta ;
- (c) if his attention has been drawn to item 32, Part II, Concurrent Legislative list (iii) of the Seventh Schedule and section 126 (2) of the Government of India Act ; and
- (d) if he has in contemplation the appointment of a committee to investigate the condition of the Delta and the above-mentioned rivers with a view to facilitating steamship navigation and undertake necessary legislation, or if he contemplates giving directions to the Provinces of the United Provinces, Bihar, Bengal and Assam, to appoint a joint Waterways Board for control of the rivers and the Delta ?

The Honourable Mr. A. G. Clow : (a) and (b). I understand that the view of the Bengal Government is that rivers in northern and central Bengal have deteriorated due to natural changes in the courses of their parent rivers, the Teesta and the Ganges, but that there is no evidence that the Padma (lower Ganges) is gradually silting. A large quantity of the discharge of the Ganges and her tributaries is, however, being utilised for irrigation in the Upper Provinces, and the opinion has been expressed that the further extraction of the dry weather discharge of those rivers may effect navigation in the lower Ganges during the low water season. I have not seen the opinion of Dr. Mukherjea to which reference has been made.

(c) Yes.

(d) No.

Pandit Lakshmi Kanta Maitra : Is it not a fact that Sir William Wilcox, the famous irrigation engineer of the Nile fame, expressed the view that the deterioration of the whole river system of Bengal was due to indiscriminate embankments of railways in total disregard of the natural system of drainage of the country ?

The Honourable Mr. A. G. Clow : I have not seen that opinion, Sir.

MEASURES TO CHECK TAMPERING WITH RAILWAY PERMANENT WAY.

383. ***Mr. Brojendra Narayan Chaudhury** : Will the Honourable Member for Railways please state :

- (a) the steps, in detail, taken to see that the Railway permanent way is not (i) maliciously interfered with, and (ii) carelessly interfered with by labour gangs ;
- (b) if in spite of precautions taken accidents and very serious accidents do happen at intervals due to tampering with permanent way ;
- (c) if it is practicable to guard closely the permanent ways in such a way that malicious interference would be impossible ;
- (d) what the cost of so closely guarding the way would be ; what the percentage of total Railway earnings or the cost per mile for guards would be ;
- (e) who are the people who have been found or suspected to be the malicious perpetrators of such a heinous offence ; whether they were Railway workmen in most cases ; whether it has ever been found that the neighbouring villagers do such acts for the mere fun of it ; and
- (f) if Government propose to take punitive action against groups of suspected Railwaymen ?

The Honourable Mr. A. G. Clow : (a) (i). The whole permanent way is inspected daily by the keyman of each gang and at frequent intervals by the assistant permanent way inspector and the permanent way inspector ;

(ii) Each gang of permanent way men works under the supervision of a trained mate, who is responsible for acting in accordance with orders issued by the permanent way inspector or his assistants ;

(b) Yes, but very serious accidents are rare.

(c) No.

(d) Does not arise.

(e) The Honourable Member is referred to the reply given to his starred question No. 161 on the 12th August, 1938.

(f) Action is taken in every case where proof of complicity is obtainable, irrespective of whether those implicated are railwaymen or not.

Pandit Lakshmi Kanta Maitra : Is it not a fact that of late, as a measure of retrenchment there has been a large reduction in the staff of permanent way inspectors and assistant inspectors and gang coolies and that they have been put in charge of heavy sections to look after and as a result the lines are not receiving the attention that they used to before ?

The Honourable Mr. A. G. Clow : I am not aware of that.

Pandit Lakshmi Kanta Maitra : In view of the fact that the Government say, after almost every railway accident, that it is due to sabotage and removal of rails, do Government propose to hold an inquiry into this aspect of the question, that there has been heavy retrenchment in the number of gang coolies and the men in charge of the permanent way in the different sections of the railway and will the Honourable Member compare the figures at present with those existing five years ago and see the result ?

The Honourable Mr. A. G. Clow : I have listened to the Honourable Member's speech but I am unable to accept his premise that nearly every accident is attributed to sabotage. So far as I am aware the gangmen have not been reduced below the level that the Chief Engineer considers reasonable on any railway.

Pandit Lakshmi Kanta Maitra : Do I understand that the Honourable Member is prepared to contradict my question that there has been heavy reduction ?

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

ACCIDENT TO THE PUNJAB MAIL NEAR MUTHROOPUR ON THE EAST INDIAN RAILWAY.

384. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) whether Government have investigated the causes of the accident to the ' Punjab Mail ' near Muthroopur on the East Indian Railway on the 7th June, 1938 ;
- (b) what the results of that investigation were ; and
- (c) whether the results will be placed on the table of the House ?

The Honourable Mr. A. G. Clow : (a) The accident was enquired into by the Senior Government Inspector of Railways.

(b) The investigation showed that the accident was due to the wilful removal of a rail.

(c) A copy of the Senior Government Inspector's report has been placed in the Library of the House.

Mr. S. Satyamurti : Have Government taken any further action in pursuance of this report of the Senior Inspector ?

The Honourable Mr. A. G. Clow : Such further action must lie within the competence of the police.

Mr. S. Satyamurti : This answer has been given more than once : may I take it, therefore, that once an investigation has been handed over to the police, the railways wash their hands of it completely ?

The Honourable Mr. A. G. Clow : It is not a question of washing their hands at all. We do not know who the miscreants are and it is not possible for the railway officers to conduct a detective inquiry.

Mr. S. Satyamurti : May I ask whether in the further stages of the inquiry the railway officials are likely to give some useful and relevant information and actively co-operate with the police, or will they merely leave it to the police to find out things for themselves ?

The Honourable Mr. A. G. Clow : Yes : there has been full co-operation in this case.

Prof. N. G. Ranga : Has the police been able to take any further action ?

The Honourable Mr. A. G. Clow : Not so far as I am aware.

Prof. N. G. Ranga : What action has been taken at all ?

The Honourable Mr. A. G. Clow : I am afraid that should be addressed to the Provincial Government.

Mr. S. Satyamurti : Are not the railway police under the partial control of the Central Government ?

The Honourable Mr. A. G. Clow : I do not think the police enquiring into this matter are subject to the control of the railway.

Prof. N. G. Ranga : What is the information of the Government of India, whether the police have taken any action or not ?

The Honourable Mr. A. G. Clow : They have been inquiring into the matter and the railway have co-operated in the inquiry.

Mr. S. Satyamurti : May I know if the investigation has been handed over to the provincial police and the railway police have not taken any action on it ?

The Honourable Mr. A. G. Clow : I said the police now concerned are under the control of the Provincial Government.

Pandit Lakshmi Kanta Maitra : Is it not a fact that during this inquiry it transpired that this section at least was suffering from reduction of the number of gang coolies ?

The Honourable Mr. A. G. Clow : I am not aware of that.

GRIEVANCES OF THE POSTAL AND RAILWAY MAIL SERVICE STAFF AT DELHI.

385. ***Mr. S. Satyamurti :** Will the Honourable Member for Communications please state :

- (a) whether his attention has been drawn to the grievances of the Postal and Railway Mail Service staff at Delhi, mentioned by Mr. J. N. Sahni, the Editor of the *National Call*, in his presidential address at the annual conference of the Delhi Provincial Postal and Railway Mail Service Union ;
- (b) whether Government have examined the adequacy or otherwise of the staff, clerical or otherwise, in the Delhi offices including Railway Mail Service ;
- (c) whether the staff of the Railway Mail Service are not allowed one weekly holiday ;

- (d) whether the eight hour day is in vogue in the Postal Department ;
- (e) whether Government propose to take any steps in the direction of giving relief in this behalf to their employees as set out in parts (c) and (d) above ;
- (f) whether the employees are paid overtime allowances and if so, how much, if not, why not ; and
- (g) whether the Department provides proper accommodation for the staff in Delhi ?

The Honourable Mr. A. G. Clow : (a) I have seen the extract sent by the Honourable Member.

(b) No, the matter is one within the competence of the Postmaster-General, Punjab and North-West Frontier Circle, to whom the Delhi Provincial Postal and Railway Mail Service Union can make representations through the proper channel.

(c) The stationary staff of the Railway Mail Service are granted such relaxation as may be practicable on Sundays and other holidays. The travelling staff of the Railway Mail Service have their hours of duty fixed on a weekly basis which does not ordinarily exceed thirty-six hours per week.

(d) Yes.

(e) Does not arise in view of the reply given to parts (c) and (d).

(f) Overtime allowances are paid in certain branches of the Department under certain conditions. I am afraid it is impossible within the compass of a reply to a question to mention the different types of allowances paid, the conditions under which they are paid and the amounts paid.

(g) On the assumption that the Honourable Member is referring to house accommodation, the position is that a small percentage of the employees are provided with quarters and a number of the others get house rent allowances.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, may I know, if Government have examined this question since the receipt of my question, and if they have not done so, the reasons why they have not ?

The Honourable Mr. A. G. Clow : Because this is a matter in which the Union, if it wishes to take it up, should address the Postmaster General.

Mr. S. Satyamurti : I want to know, apart from the representation of the Union, since an Honourable Member of this House has put a question, whether the Government have examined the adequacy or otherwise of the staff in an office very near here.

The Honourable Mr. A. G. Clow : No, because I have no reason to believe that it is inadequate.

Mr. S. Satyamurti : Are Government satisfied that it is adequate ?

The Honourable Mr. A. G. Clow : We do not normally examine the adequacy of staff unless we have a substantial reason for believing that the reverse is the case.

Mr. S. Satyamurti : With reference to clause (c), I should like to follow my Honourable friend's answer, but I am afraid I was not able to get the significance of it : may I know if it is a fact categorically that the staff of the railway mail office get one weekly holiday ?

The Honourable Mr. A. G. Clow : The position is as I have explained it. I am perfectly willing to read the answer again, but I cannot expand it.

Mr. S. Satyamurti : Can my friend put it in less obscure words ?

The Honourable Mr. A. G. Clow : No : it is quite clear.

Mr. S. Satyamurti : Do they get a weekly holiday ?

The Honourable Mr. A. G. Clow : I have explained that the stationary staff are granted such relaxation as may be practicable on Sundays and other holidays : that does not mean that they get it. I have already said that the travelling staff have their hours of duty fixed on a weekly basis.

Mr. S. Satyamurti : What is the maximum period of relaxation granted to this staff on Sundays and other holidays ?

The Honourable Mr. A. G. Clow : I have not got any particulars, but I should imagine they vary.

Prof. N. G. Ranga : Do they or do they not get 24 hours continuous rest in a week ?

The Honourable Mr. A. G. Clow : That is not always possible.

Mr. S. Satyamurti : With reference to the answer to clause (f), may I know, apart from the details which my Honourable friend says he does not have, whether Government are satisfied that for all overtime work these people are paid adequate overtime allowances ?

The Honourable Mr. A. G. Clow : I do not think overtime is always paid. I said it is paid in certain branches and under certain conditions.

Mr. S. Satyamurti : Does that mean that some people work overtime without any payment ?

The Honourable Mr. A. G. Clow : Yes : I do.

Mr. S. Satyamurti : But you get Rs. 6,000 a month and more ?

Mr. K. Santhanam : With reference to the answer to part (c), may I know whether these people working overtime get any compensation by way of leave during the end of the year or otherwise ?

The Honourable Mr. A. G. Clow : I do not think so.

Prof. N. G. Ranga : Will Government consider the advisability of seeing that these people get 24 hours continuous rest at least once a week or give them some compensation in the way of accumulated leave with pay towards the end of the year ?

The Honourable Mr. A. G. Clow : I think that is a suggestion for action rather than a request for information.

Prof. N. G. Ranga : Yes : but will they consider it ?

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

FUNCTIONS OF THE AUDIT ON RAILWAYS.

386. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) with reference to paragraphs 50 to 52 of the Wedgwood Report regarding proper function of audit, the stage at which the examination of the matter in consultation with the Auditor General stands ;
- (b) whether Government propose to make any changes in the functions of the audit before the introduction of the Federal Railway authority ; and
- (c) if so, why ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member is apparently referring to pages 50—52 and not paragraphs 50—52 of the Report of the Railway Enquiry Committee. The aspect of this matter that is under examination in consultation with the Auditor-General, whose views are awaited, is the possibility of any economy, in the light of the Committee's observation that railway audit is expensive.

(b) Government have no such proposals under consideration.

(c) Does not arise.

Mr. S. Satyamurti : May I take it, with reference to the answer to clause (a) of the question, that the only point of view from which this question is being examined is the point of view of expense ?

The Honourable Mr. A. G. Clow : I believe that is the case.

Mr. S. Satyamurti : May I take it, therefore, that the Government are not thinking of limiting the functions of audit, in order to give more freedom to railway spending departments ?

The Honourable Mr. A. G. Clow : I would refer the Honourable Member to answer I gave to part (b) of the question.

Mr. S. Satyamurti : I want you to be clear about it. My question is somewhat ambiguous. Does the answer refer to the fact that no changes will be made before the introduction of the Federal Railway Authority, or does it mean that the Government do not propose to make any changes in the functions of the audit at any time ?

The Honourable Mr. A. G. Clow : I can only speak of the position as it is at present, and my answer is that we have no such proposal under consideration at present.

Mr. S. Satyamurti : May I take it that you have no proposals to introduce any changes in the functions of audit ?

The Honourable Mr. A. G. Clow : There is no such proposal under consideration.

Mr. Manu Subedar : With reference to the answer to part (a) of the question, may I know if the Government have taken a decision on the matter after consultation with the Auditor-General, and do they propose to act on such decision without bringing the matter before this House ?

The Honourable Mr. A. G. Clow : I have said that the matter is under consideration and the Auditor-General's views are awaited.

Mr. Manu Subedar : My question was whether a decision has been taken as to whether this question will be brought before this House or not ?

The Honourable Mr. A. G. Clow : No decision has been reached ; the matter is under consideration.

Mr. S. Satyamurti : I want to get an answer to my question, Sir. May I know whether Government propose to consult this House after they come to any decision, before implementing it by means of an order of the Government ?

The Honourable Mr. A. G. Clow : That question has not been considered, Sir.

IMPORTATION OF NON-INDIAN SUPERVISORY STAFF FOR THE MECHANICAL WORKSHOPS OF STATE-MANAGED RAILWAYS.

387. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) the reasons why the Railway Board have come to the conclusion that for some time to come it is necessary to import a limited number of supervisory staff for the mechanical workshops of State-managed Railways ;
- (b) whether they propose to import during the next year or two any such non-Indian staff ;
- (c) if so, whether the terms of recruitment will be for a limited period, say of five years, on contract with a condition attached that such supervisory staff shall train Indians to take their place within that period ; and
- (d) if not, why not ?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to paragraph 50 of the Report of the Indian Railway Enquiry Committee (1937) and the Railway Board's comments thereon in the statement showing the action taken by the Railway Department (Railway Board) on the paragraphs in Chapters III-XI of that Report. Copies of these documents are in the Library of the House.

(b) It is difficult to give a forecast of what will happen in the future, but Government have so far asked the High Commissioner for India to recruit eleven men from England for certain senior subordinate posts in the mechanical workshops of the North Western Railway.

(c) The men referred to in (b) above will be recruited initially for a period of three years with a prospect of continuous employment thereafter, if found satisfactory. The agreements of such employees require that they will do their best to instruct the workmen and others who may be placed under them or may be working with them.

(d) Does not arise.

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, may I know the reasons compendiously as to why the Railway Board and the Government have come to the conclusion that they should import some men from outside for the mechanical workshops of all State-managed Railways ?

The Honourable Mr. A. G. Clow : They felt it necessary to secure efficiency in the workshops having regard to an abnormally heavy number of casualties in the last few years.

Mr. S. Satyamurti : May I know, Sir, whether Government in coming to that conclusion considered the views of the Public Accounts Committee and the opinions expressed in the House, and also the undertaking given by the then Railway Member, Sir Sultan Ahmad, that as far as possible importation of outside staff will not be resorted to ?

The Honourable Mr. A. G. Clow : The matter was most carefully considered.

Mr. S. Satyamurti : With reference to clause (c) of the question,— I followed my Honourable friend's answer very carefully, but I find no condition mentioned there. My question was whether a condition is attached that such supervisory staff shall train Indians to take their place in due course, and my Honourable friend said that workmen will be trained. I want to know whether the supervisory staff which will be imported will train Indians to take their place in due course of time.

The Honourable Mr. A. G. Clow : I think they will endeavour to do so. There are always men being trained up.

Mr. S. Satyamurti : I am asking specifically, apart from general expectations that everything will be all right, whether as a part of the conditions of the service of these gentlemen, the requisite quality of Indian personnel will be placed under their charge, with a view specifically to their being trained so that they may take the places of these imported gentlemen in due course of time ?

The Honourable Mr. A. G. Clow : I have not got a copy of the agreement in front of me, and I am afraid I cannot expand what I have said already.

Mr. S. Satyamurti : Will Government consider the question when employing outsiders that a condition is attached to their employment that they shall train Indians ?

The Honourable Mr. A. G. Clow : Certainly, the training of Indians should receive their consideration.

Mr. Manu Subedar : May I know, Sir, whether any attempt was made, before deciding on the importation of these eleven men, to secure Indians of the requisite qualifications in India through the Public Service Commission ?

The Honourable Mr. A. G. Clow : No, Sir ; these are subordinate posts and we do not go to the Public Service Commission for such purposes.

Mr. T. S. Avinashilingam Chettiar : With reference to clause (c), Sir, the question is sufficiently clear because it asks whether there is a condition in the contract that such supervisory staff shall train Indians to take their place in due course, and the Honourable Member says he has not got the contract before him. He has had sufficient notice of this question, and he ought to have come prepared with a full reply. I want you to order, Sir.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not asking a question.

Mr. S. Satyamurti : The point is, when I put the question, the contract ought to be before him.

The Honourable Mr. A. G. Clow : From a perusal of my answer it will be seen that I gave the relevant substance.

Mr. S. Satyamurti : I wanted specifically to know whether the terms of recruitment will be for a limited period on contract with a condition attached that they will train the Indian staff, and my friend says he has not got the contract before him.

The Honourable Mr. A. G. Clow : That was in reply to a supplementary question. In reply to the original question I said that the agreements of such employees require that they will do their best to instruct the workmen and others who may be placed under them or may be working with them.

Mr. S. Satyamurti : The supplementary question was based on the words of the original question, and I want to put a new....

Mr. President (The Honourable Sir Abdur Rahim) : I do not know what the Honourable Member wants. Yesterday I gave a ruling and I cannot regulate the answers given by the Government.

Mr. S. Satyamurti : May I make a submission, Sir ? This is not the House of Commons, and the procedure of the House of Commons was not followed by you when I moved a dilatory motion on the Honourable Mr. Ogilvie's Bill.

Mr. President (The Honourable Sir Abdur Rahim) : This has been the practice in this House also from the very beginning. Sir Frederick Whyte laid it down that he was not responsible for any answer that the Government gave.

RENTS CHARGED FROM CATERING LICENSEES ON RAILWAYS.

388. ***Mr. S. Satyamurti :** Will the Honourable Member for Railways please state :

- (a) whether economic rents are charged from catering licensees for the occupation of the premises by them at all railway stations on State and Company Railways ;
- (b) whether any distinction is observed between what are called European and Indian refreshment rooms and if so why ;

(e) whether Government propose to accept the recommendation of the Wedgwood Committee to charge economic rents from all these licensees ; and

(d) if not, why not ?

The Honourable Mr. A. G. Clow : (a) The practice in regard to rents is not uniform. In some cases, no rent is charged ; in others, the rent varies between a nominal sum and a figure which may approximate to what might be considered an economic rent for the accommodation provided.

(b) No.

(c) and (d). The matter is under consideration.

Mr. S. Satyamurti : With reference to the answer to part (b) of the question, has my friend made inquiries from the S. I. Railway and the M. S. M. Railway and satisfied himself that Messrs. Spencer and Co. are not charged anything except a nominal rent for the occupation of the rooms on the platforms for their refreshment rooms, while Indian refreshment rooms have to pay economic rents ?

The Honourable Mr. A. G. Clow : No, Sir, I have not made specific inquiries from these Railways.

Mr. S. Satyamurti : May I know, Sir, on what basis does he then say that no distinction is made in regard to the rents charged to European refreshment rooms and Indian refreshment rooms, and if there is any such distinction, why is it there ?

The Honourable Mr. A. G. Clow : If a distinction exists, I do not suppose it is on racial grounds.

Mr. S. Satyamurti : I am not talking of distinctions on racial grounds, for anybody can get into the Spencer's refreshment rooms if he pays,—I am asking with reference to the well-known phraseology in railway parlance, whether he has made inquiries if any distinction is made between what are called European and Indian Refreshment Rooms in regard to the rents charged, if not, may I know on what basis he has given the answer ?

The Honourable Mr. A. G. Clow : My answer was that the practice in regard to rents is not uniform. In some cases, no rent is charged ; in others there is a varying amount of rent, and the variations, so far as I know, are not based on a distinction between the character of the rooms.

Mr. S. Satyamurti : Will my friend make inquiries with regard to the two Railways I have mentioned whether European refreshment rooms are charged only nominal rents ?

The Honourable Mr. A. G. Clow : I have already assured my Honourable friend that the question of charging economic rents in all cases is under consideration.

Mr. T. S. Avinashilingam Chettiar : When do Government expect to come to a decision ?

The Honourable Mr. A. G. Clow : I cannot say.

Qazi Muhammad Ahmad Kazmi : What has been the practice till now ? Is it not a fact that European refreshment rooms are charged only a nominal rent ?

The Honourable Mr. A. G. Clow : I believe in the main that has been the case.

Mr. Lalchand Navalrai : May I know, Sir, if the Honourable Member is aware of the fact that the N. W. Railway had charged certain rents on refreshment rooms and stalls and they were objected to in the last Session ? Has that matter received consideration since the question was last put ?

The Honourable Mr. A. G. Clow : Do you mean the assessment on the refreshment rooms ?

Mr. Lalchand Navalrai : The rents were assessed at certain stations, at some stations they were charging so much, and at some other stations they were charging a different rate, and there was a difference in the rents charged to European and Indian refreshment rooms. That question was raised before the last Assembly, and the answer was given that the matter would be considered. I want to know now whether that question has been considered or not ?

The Honourable Mr. A. G. Clow : The whole question of charging economic rents in all cases is under consideration, and if that policy were adopted, then all distinctions, whether between European and Indian refreshment rooms and all others, will disappear.

FACILITIES FOR POSTING LETTERS AT KARACHI WITHOUT LATE FEE.

389. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Communications be pleased to state if his attention has been drawn to a representation made by the mercantile community of Karachi to the Director General of Posts and Telegraphs requesting him to fix the last clearance hours without late fee at the General Post Office, Karachi, at one hour in advance of the departure of the train ? If so, what action have Government taken to meet the demand ?

(b) Is it a fact that at places like Lahore and Delhi, etc., letters can be posted at the mail sorting offices, without any late fee, about 40 minutes in advance of the departure time of the train ? If so, why is this arrangement not possible at Karachi ? Is it a fact that the General Post Office where the sorting of letters is done, is situated only at a distance of two minutes by motor from the Karachi City Railway Station ?

(c) Does the Honourable Member propose to provide the required facilities of posting letters at Karachi without late fee ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) No such representation has been received by the Director-General, Posts and Telegraphs, but the matter was the subject of discussion between the Director of Posts and Telegraphs, Sind and Baluchistan, and certain commercial organisations. The latter part of the question does not arise.

(b) The interval between the latest hours of posting, without date fee at mail sorting offices situated at railway stations, and the departure of the mail trains varies at different places according to local circum-

stances, and is not always about 40 minutes in advance of the departure time of the train. Such an arrangement cannot conveniently be made at Karachi General Post Office which is not situated on the railway station and where the local circumstances differ from those of the mail sorting offices at Lahore, Delhi, etc. As regards the last part of the question I am told that the Head Post Office is at a distance of about five minutes by motor from the Karachi City railway station.

(c) No ; because the Director has already made such adjustments as are reasonably possible to meet the convenience of the mercantile community.

Mr. Lalchand Navalrai : Did not the Director state that he would make the late payment fee time later than what is being done at present ?

The Honourable Mr. A. G. Clow : He made some adjustments to meet the convenience of the commercial community in Karachi.

ALTERATION IN THE DATES OF BIRTH OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

390. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state whether in response to Mr. (now Sir) P. R. Rau's reply to my starred question No. 308, given on the 18th February, 1935, the Agent, North Western Railway, issued certain instructions as to the documents which an employee may produce in support of his request for alteration of birth dates as recorded in the Railway records ?

(b) Is it a fact that school certificate was considered as one of the sufficient proofs for such an alteration ?

(c) Is it a fact that the Deputy Agent, North Western Railway in his notification No. 109, published in the North Western Railway Gazette, No. 24, dated the 3rd December, 1937, has ruled that those employees who have not passed the matriculation examination of any University, can produce a certificate of the school last attended by them, recording their date of birth ?

(d) Is it a fact that, in spite of all these regulations, the North Western Railway Agency insist on production of school certificates by an employee who requests for alteration of the birth date, from two or three schools and not from the school last attended ?

(e) Are Government aware that employees' applications for alteration of birth dates are rejected on grounds, such as, that the employee had declared himself over age at the time of appointment which was below 18 years then ?

(f) Is it a fact that prior to the 1st April, 1926, no restriction was placed on employees recruited to other than Signallers' Branch in regard to the age at appointment being above 18 ? If so, is it a fact that employees are threatened with disciplinary action for showing themselves over age at the time of appointment ?

The Honourable Mr. A. G. Clow : (a) to (c). Yes.

(d) No, except in doubtful cases.

(e) Yes, because the Administration considered that the employee had gained a material advantage in securing employment by giving a wrong date of birth, and the alteration of the date would have increased the advantage.

(f) I understand that an age limit restriction did exist prior to 1st April, 1926, for appointment to certain categories of staff. But the deliberate misdeclaration of age with a view to securing appointment warrants disciplinary action whether there is such a limit or not.

Mr. Lalchand Navalrai : May I ask the Honourable Member what is the necessity of asking them to produce certificates from several schools ?

The Honourable Mr. A. G. Clow : I was not aware that they did ask for certificates from several schools.

Mr. Lalchand Navalrai : That is my question. Instead of asking for the certificate from the last school the candidate had been asked to produce the certificates of several schools in which he had read. Will the Honourable Member make enquiries and instruct that the certificate from the last school in which he read should be sufficient ?

The Honourable Mr. A. G. Clow : No. The certificate from the last school may be incorrect and there is a greater likelihood of arriving at the truth by comparing the certificates from the previous schools with that given by the last school.

Mr. Lalchand Navalrai : Will the Honourable Member make enquiries and see that some adjustment is made in that direction ?

The Honourable Mr. A. G. Clow : I have given the Honourable Member the reason for it.

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

CONDONATION IN BREAKS OF SERVICE CAUSED DURING THE STRIKE ON THE NORTH WESTERN RAILWAY.

391. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways please state the rules or orders in force for condonation of breaks in service caused during the 1925, strike on the North Western Railway ?

(b) Is it a fact that the officers authorised to condone such breaks, insist upon the employees concerned producing some evidence to show that they did offer themselves for service but were not taken up ?

(c) Is it a fact that strikers offered themselves in large numbers and in several cases verbal orders were given that there were no vacancies then and the candidates would be taken up on occurrence of vacancies ?

(d) Do Government propose to issue instructions to condone such breaks in service of illiterate employees on the North Western Railway, which the officers are authorized to do, without insisting on any documentary proof ? If not, what other instructions do Government propose to issue to remove the hardship experienced by illiterate strikers of 1925, on the North Western Railway in the matter of condonation of breaks in service caused by the strike ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) The Honourable Member's attention is invited to rule 16 of Part II of the State Railway Provident Fund and Gratuity Rules, a copy of which will be found in the Library of the House. Since April, 1935, General Managers possess the power to condone a break which is not due to a strike declared illegal under any law.

(b) and (c). Information is being collected.

(d) Government will consider the matter when the information referred to in my reply to parts (b) and (c) has been received.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

392. ***Mr. Lalchand Navalrai :** (a) Will the Honourable Member for Railways be pleased to state the number of grade I, II, III and IV guards posts on the North Western Railway on 1st March, 1938, or any nearer convenient date for which information is readily available ?

(b) When was the last promotion from grade II to grade III posts made on the North Western Railway, and how many men were promoted ?

(c) Are there any vacancies of grade III guards posts to which promotion is to be made ? If so, when ? If not, why not ? Do Government propose to reduce still further the grade III guards sanctions on the North Western Railway ? If so, what is the final sanction fixed ?

(d) Is the Honourable Member aware that great discontent prevails among grade II guards on the North Western Railway, owing to continued abolition of grade III and IV posts ? What steps do Government propose to take to alleviate the hardship and to redress grievances ? If none, why not ?

The Honourable Mr. A. G. Clow : (a) and (b). The information is being collected and will be laid on the table in due course.

(c) The sanction to the number of guards of various grades rests with the General Manager and Government have, in consequence, no proposals, affecting these grades and no particulars regarding vacancies. The last part of the question does not arise.

(d) The answer to the first part is in the negative ; the other parts do not arise.

Mr. Lalchand Navalrai : With reference to the answer to part (c) of the question, is the Honourable Member in a position to tell me if there are any vacancies in Grade III guards to which Grade II guards could be raised ?

The Honourable Mr. A. G. Clow : No, I am not in that position.

RESOLUTIONS PASSED AT THE MEETING OF THE EXTRA-DEPARTMENTAL POSTAL AND RAILWAY MAIL SERVICE UNION HELD AT SILCHAR.

393. ***Mr. Abdur Rasheed Chaudhury :** (a) Will the Honourable Member for Communications please state whether his attention has been drawn to the resolution passed at the meeting of the Extra-Depart-

mental Postal and Railway Mail Service Union held at Silchar on the 22nd May, 1938 ?

(b) Is it a fact that none of the men of the Extra-Departmental Postal Service is promoted to Departmental Postal Service ?

(c) Is it a fact that men of the Extra-Departmental Postal Service are required to provide and maintain an office at their own expense, and that they have to provide watch for Government money also at their own expense ?

The Honourable Mr. A. G. Clow : (a) Government have seen a copy of the resolution.

(b) Yes.

(c) This is usually the case, but as the postal work is done in the houses or shops of the agents themselves no extra expense on this account is normally involved.

Mr. Abdur Rasheed Chaudhury : Do Government contemplate changing their decision with regard to (b) ? The Honourable Member said, Yes. I want to know whether they contemplate changing their decision.

The Honourable Mr. A. G. Clow : No.

Prof. N. G. Ranga : Is there any rule prohibiting men of the extra-departmental postal service from being taken on into the ordinary service ?

The Honourable Mr. A. G. Clow : I do not think there is any specific rule, but as I have explained in reply to an earlier question in the House, their age is not normally such that they are eligible.

Mr. Abdur Rasheed Chaudhury : Even though there may be very efficient men in the extra-departmental service they will not be taken into the department ?

The Honourable Mr. A. G. Clow : Certainly not if they are not eligible.

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

PAY AND LEAVE OF THE EXTRA-DEPARTMENTAL POSTAL SERVICE MEN.

394. ***Mr. Abdur Rasheed Chaudhury :** (a) Will the Honourable Member for Communications please state whether it is a fact that in many post offices the postmen get a much higher pay than the Sub-Post Master of the Extra-Departmental Postal Service with the result that the latter cannot keep control over the former ?

(b) Is it a fact that the Extra-Departmental Postal Service men are not allowed casual and other leave like Departmental Postal Services men ? If so, why not ?

The Honourable Mr. A. G. Clow : (a) In some cases it may happen that a postman receives more than an extra-departmental sub-postmaster, but I am not prepared to endorse the conclusion which is sought to be drawn from this.

(b) Yes ; because they are not whole-time servants of Government.

Mr. T. S. Avinashilingam Chettiar : May I know whether they will be given any preference in the regular service ?

The Honourable Mr. A. G. Clow : No, I do not think so.

Pandit Lakshmi Kanta Maitra : Do these extra-departmental officers get medical leave with pay ?

The Honourable Mr. A. G. Clow : There is no question of leave. They are not whole-time Government servants.

Pandit Lakshmi Kanta Maitra : During the period of illness, when they cannot work, what is the position ?

The Honourable Mr. A. G. Clow : I think they provide substitutes.

Mr. Badri Dutt Pande : Are these extra-departmental postmasters a sort of contractors ?

The Honourable Mr. A. G. Clow : I would not say they are contractors. They are gentlemen who normally, in addition to some other occupation or means of livelihood, undertake a certain amount of postal work.

Mr. M. Thirumala Rao : Is it the rule that retired and superannuated people only should be taken into this extra-departmental service ?

The Honourable Mr. A. G. Clow : It is not the rule, but there are some retired postal officials doing this duty.

Mr. T. S. Avinashilingam Chettiar : With reference to the answer to clause (c), do they get consolidated allowances, or separate allowances are given to maintain the offices ?

The Honourable Mr. A. G. Clow : I cannot find (c) in this question.

Mr. T. S. Avinashilingam Chettiar : Is it not question No. 393 ?

The Honourable Mr. A. G. Clow : No. We are now on question No. 394.

POSTS OF DRIVERS HELD IN ABEYANCE ON THE NORTH WESTERN RAILWAY.

395. ***Mr. Sham Lal :** (a) Will the Honourable Member for Railways be pleased to state what action has so far been taken by the North Western Railway Administration, *vide* my question No. 900, of the 29th September, 1937, in releasing those 33 vacancies, which were wrongly held in abeyance (some in 1934, and the rest in 1936) to allow automatic promotion to grade IV Loco Running Staff ?

(b) If no action has so far been taken, will Government be pleased to state if they have any intention of taking any action against the North Western Railway Administration, for the treatment meted out to Loco Running Staff, grade III, who are mostly Indians ?

(c) Are Government aware of the fact that the vacancies which are now occurring are also not being filled in, by the rightful claimants of grade III Loco Running Staff ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reasons for not doing so ?

The Honourable Mr. A. G. Clow : (a) Government have no particulars and are not satisfied that any wrongful action has been taken.

(b) The answer is in the negative.

(c) No.

(d) Does not arise.

HARDSHIPS OF INDIAN DRIVERS ON THE NORTH WESTERN RAILWAY.

396. ***Mr. Sham Lal :** (a) Will the Honourable the Railway Member please state whether it is a fact that Europeans and Anglo-Indians in grade IV Loco. Running Staff, on the North Western Railway who joined the Railway much later than their Indian colleagues in grade III, are now driving mail and express trains, whereas the latter are working as Firemen with them ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how much more time the North Western Railway Administration will take to relieve these poor educated Indians of their hardships and give them their legitimate rights ?

The Honourable Mr. A. G. Clow : (a) and (b). Government have no information, but I am sending a copy of the question to the General Manager, North Western Railway, to examine the allegations of discrimination made in the question and to take whatever steps may be necessary to give effect to the policy of the Government in the matter.

POSTS OF DRIVERS HELD IN ABEYANCE ON THE NORTH WESTERN RAILWAY.

397. ***Mr. Sham Lal :** (a) Will the Honourable the Railway Member please state whether Government are aware that a definite assurance was given by the Agent, North Western Railway, *vide* letter No. 755E/157-11, dated the 7th November, 1934, that the posts of Drivers, grade III held in abeyance will be correspondingly revived on the occurrence of vacancies in the post of Drivers, grade IV ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action is being taken by the North Western Railway Administration in view of the above cited letter ?

The Honourable Mr. A. G. Clow : (a) I am not aware of this assurance.

(b) Does not arise.

OPENING OF A POST OFFICE AT VILLAGE BARAULI IN MUTTRA DISTRICT.

398. ***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Communications please state :

(a) if it is intended to open a branch post office at village Barauli, post office Baldeo, District Muttra, United Provinces ; and

(b) if so, when ; if not, why not ?

The Honourable Mr. A. G. Clow : With your permission, Sir, I will reply to questions Nos. 398 and 399 together.

Government have no information. The matter is within the competence of the Postmaster-General, United Provinces Circle, to whom a copy of the questions has been sent for such action as he may consider suitable.

OPENING OF A POST OFFICE AT VILLAGE BARAULI IN MUTTRA DISTRICT.

†399. ***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways and Communications please state if Government are aware :

- (a) that the circle of the postman of the Baldeo post office in Muttra District, United Provinces, is very long ;
- (b) that Sahat is sixteen miles from Baldeo ; and
- (c) whether he is aware that Barauli has a population of three thousand, with a village panchayat and primary school and that it is a central village ;
- (d) if so, whether Government are prepared to open a branch post office there ; and
- (e) if the answer to part (a) be in the negative, whether Government are prepared to enquire and then state if they are prepared to open a post office at Barauli ?

REDUCTION IN RAILWAY FREIGHT ON COTTON FROM THE PUNJAB TO CAWNPORE.

400. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways be pleased to state under what circumstances and on whose representation was a reduction in railway freight on cotton from the Punjab to Cawnpore given upto this month ?

(b) For how long has this concession continued and what is the nature of the concession ?

(c) How much additional traffic of cotton has been secured by the railways through this concession ?

(d) Is it proposed to continue the concession at the same rate, or greater rate ?

(e) Is this concession confined to large merchants and denied to small merchants ? If so, why ?

The Honourable Mr. A. G. Clow : (a) A rebate of the freight charges on cotton despatched from certain stations in the Punjab to Cawnpore is being given, in order to bring back to the railway traffic that had been diverted to the roads and to prevent any further diversion.

†For answer to this question, see answer to question No. 398.

(b) A rebate of 20 per cent. of the freight charges is being allowed from November, 1937, for consignments of cotton booked from stations in the Punjab north and east of Samasata to Cawnpore, subject to the following conditions :

- (i) that a minimum of 75,000 maunds is booked up to the 31st August, 1938 ;
- (ii) that no consignments are sent by any other means of transport ;
- (iii) that a previous agreement embodying the two points referred to above is made with the Railway.

(c) and (d). As the arrangement operates up to the end of this month, the Railways concerned will review the position and determine what, if any, further action is necessary in the light of the information then available. Such figures as have meantime been received are for the period from 1st September, 1937, to 30th April, 1938. These show that traffic by rail into Cawnpore from North Western Railway stations was about 1,070,000 maunds as against 680,000 maunds in the corresponding period of 1936-37, an increase of 390,000 maunds. Arrivals by road into Cawnpore during the same period were about 172,000 maunds more than in the previous year, but no information is available to show in what areas the traffic carried by road originated.

(e) The arrangement could be taken advantage of by any trader or group of traders willing to comply with the conditions to which reference is made in my reply to part (b). It was believed that the diversion of traffic to the road was substantial in the case of large consignors and there was no necessity, therefore, for a general reduction in rates applicable for all consignors. The arrangement was of an experimental nature, intended to test the possibility of retaining the traffic to the railway and of assisting the cotton trade.

Mr. Manu Subedar : May I inquire whether it is true that at a recent meeting between the Chief Commissioner for Railways and the merchants of Cawnpore a threat was given out to the railways that if they did not continue the concession or did not increase the concession the whole of the traffic which is going to Cawnpore from the Punjab will be diverted to the roads.

The Honourable Mr. A. G. Clow : There was a meeting between the Chief Commissioner and commercial representatives of Cawnpore and I believe something on those lines was said.

Mr. Manu Subedar : What is the attitude of the Government of India in view of such a threat ?

The Honourable Mr. A. G. Clow : The matter is under consideration. The attitude of the Government of India is that they want to get all the traffic for the railways that they legitimately can.

Mr. Manu Subedar : With regard to clause (e), may I enquire whether the minimum of 75 thousand maunds for each consignee is or is not discrimination in favour of the larger merchants and if that is discrimination, have Government considered doing away with this minimum requirement ?

The Honourable Mr. A. G. Clow : The Honourable Member must draw his own conclusion as to what constitutes discrimination or not but I would point out that smaller traders can combine and as I have already assured the House, the matter is under consideration at present.

Mr. Manu Subedar : Have Government received any representations from the smaller traders that they cannot take advantage of this concession even by combination ?

The Honourable Mr. A. G. Clow : I think there were some complaints on that score when the experiment was instituted.

Prof. N. G. Ranga : Is it any group of merchants that have been granted this concession ?

The Honourable Mr. A. G. Clow : I have no particulars of that.

COTTON CARRIED BY ROAD FROM THE CENTRAL PROVINCES AND BERAR TO BOMBAY.

401. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways please state if any estimate has been made of the volume of cotton carried to Bombay by road from the Central Provinces and Berar ?

(b) Have Government determined to meet this competition in order to retain this traffic for the railways ?

(c) What steps have they considered for this purpose, and when are they going to take such steps ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) and (c). The Great Indian Peninsula Railway Administration are investigating the position.

Mr. Manu Subedar : With regard to (a), have Government got any estimates which can be made available to the House ?

The Honourable Mr. A. G. Clow : I can give the Honourable Member some information on that. During the cotton season of 1937-38, the quantity carried by road from the Central Provinces and Berar to Bombay was estimated at 1,080 bales. In addition, during the same season, over 21,000 bales were booked on stations in the Central Provinces and Berar to Jalgaon in Khandesh and presumably transported afterwards by road to Bombay.

Mr. Manu Subedar : Will Government consider some adjustment of rates or the giving of facilities for shifting from godown to godown in order to meet with this competition and retain this traffic for Railways.

The Honourable Mr. A. G. Clow : I have said that the whole question is under the consideration of the railway administration concerned.

Prof. N. G. Ranga : Is it not a fact that this diversion from rail to road of cotton traffic to Bombay has increased ever since the refusal of the Railway Board to lower the freight rates on cotton transport ?

The Honourable Mr. A. G. Clow : That may be possible but I do not know when the refusal took place.

Seth Govind Das : Will Government reach a conclusion before the next cotton season commences ?

The Honourable Mr. A. G. Clow : I hope so.

CONTRACT FOR THE RUNNING OF BOOKSTALLS ON STATE RAILWAYS.

402. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways state whether the original document containing the terms for the running of bookstalls on the State Railway systems, which could not be found, has now been found ?

(b) If not, what are the terms on which this concession to Messrs. A. H. Wheeler and Company has been given ?

(c) What is the amount of supervision exercised by the railways ?

(d) How much transport, in connection with the movement of newspapers or books to them, is given either free, or at a concession rate ?

(e) In view of the high prices charged by this firm, are Government prepared to consider the advisability of inviting public tenders for this service from recognized bookselling firms in this country ?

(f) Are Messrs. A. H. Wheeler and Company allowed to expose advertising material and raise any revenue by the use of prominent location in the stations ?

The Honourable Mr. A. G. Clow : (a) I am not aware of any statement having been made suggesting that any document could not be found.

(b) I would refer the Honourable Member to the reply given to part (i) of Pandit Sri Krishna Dutta Paliwal's question No. 522 on the 19th September, 1935.

(c), (d) and (f). Agreements with the Company cover the points referred to by the Honourable Member. A copy of the agreement which the Company have with the North Western Railway Administration is in the Library of the House.

(e) I am not prepared to accept the statement in the first part of the question. Each of the State-managed Railways renewed some years back their contract with this Company after calling for tenders.

Mr. Lalchand Navalrai : May I know from the Honourable Member if Messrs. Wheeler and Co. are given free passes for going from one place to another on the railways ?

The Honourable Mr. A. G. Clow : I must ask for notice.

Mr. S. Satyamurti : With reference to clause (e) of the question, may I know whether, after tenders were invited, it was found that from Wheeler and Co.'s terms even after reductions were the lowest or the highest ?

The Honourable Mr. A. G. Clow : The matter was dealt with by the several railway administrations concerned.

Mr. S. Satyamurti : My Honourable friend said, that tenders were invited and some the railways raised the rates. I am asking for further elucidation as to whether the Railways got some more money from Wheelers as a result of the raised rates.

The Honourable Mr. A. G. Clow : I do not know whether they reduced the rates or not.

Mr. S. Satyamurti : What happened after the invitation of tenders ?

The Honourable Mr. A. G. Clow : The contracts were renewed.

Mr. S. Satyamurti : May I know whether the Government have satisfied themselves that Wheeler and Co., offered the most favourable terms to the railways ?

The Honourable Mr. A. G. Clow : I have not the particulars before me but I believe their offer was the best one.

Mr. Manu Subedar : May I know if all the railways called for tenders ?

The Honourable Mr. A. G. Clow : I think tenders were called by all the State-managed Railways.

CLASSIFICATION OF CERTAIN SUBORDINATE SUPERVISORY STAFF AS MECHANICALLY TRAINED HANDS ON THE EAST INDIAN RAILWAY.

403. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will the Honourable the Railway Member be pleased to state whether Government are aware that some subordinate supervising staff who have no requisite qualifications of being technically trained, as referred to in Chief Mechanical Engineer, East Indian Railway's Minute Sheet No. M.E.-323/20 of the 24th July, 1937, have been classified as technically trained hands and have been given the benefits of higher grades ? If so, why ?

(b) If the answer to part (a) above be in the negative, will Government please state whether they are prepared to enquire whether some subordinate supervising staff of the Carriage and Wagon Workshops of the East Indian Railway, who have no requisite qualifications of being technically trained, as per Minute Sheet referred to in part (a), have been classified as such ?

The Honourable Mr. A. G. Clow : (a) The answer is in the negative.

(b) No. These are matters of detailed administration within the competence of the General Manager, East Indian Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

PROPOSAL TO CLOSE THE BRANCH LINE BETWEEN AGRA AND BAH.

404. ***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

(a) if it is intended to close the Agra-Bah branch line of the Great Indian Peninsula Railway ; if so, when ;

- (b) whether Government have received any representations against the closing of that line ;
- (c) what steps, if any, Government intend to take on those representations ; and
- (d) whether Government intend to try the experiment of reducing the fares for some time and increasing the number of stopping stations to suit the convenience of the general public ?

The Honourable Mr. A. G. Clow : (a) I would refer the Honourable Member to the reply I gave to Mr. Badri Dutt Pande's starred question No. 171 on the 12th August, 1938.

(b) Representations were received in November, 1936.

(c) The representations were considered before a decision was arrived at to close the line.

(d) Experiments of the kind referred to were made.

Mr. Badri Dutt Pande : What is the annual loss on this line ?

The Honourable Mr. A. G. Clow : Approximately half a lakh a year, irrespective of the interest on capital.

Mr. T. S. Avinashilingam Chettiar : What do they propose to do with the rails ?

The Honourable Mr. A. G. Clow : I do not know.

Mr. T. S. Avinashilingam Chettiar : Have the Government considered the possibility of running a lighter railway which will cost less ?

The Honourable Mr. A. G. Clow : I do not think that would be a financial proposition.

NON-GRANT OF LEAVE TO THE TRAFFIC STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

405. ***Pandit Sri Krishna Dutta Paliwal :** Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that the traffic staff on the Bombay, Baroda and Central India Railway do not get leave when they want and need it ;
- (b) whether it is a fact that the relieving strength of the staff is ten per cent. ; and
- (c) whether the Railway intend to increase the relieving staff to cope with the sanctioned leave to staff, i.e., one month's privilege and ten days' casual leave in a calendar year to every individual, and transfers, suspensions and court attendance, etc. ? If not, why not ?

The Honourable Mr. A. G. Clow : I propose with your permission to answer questions Nos. 405, 407 and 408 together.

These relate to matters of detailed administration on which Government have no information. I may add for the information of the Honourable Member that the staff employed on this Railway are not Government servants but are the servants of the Bombay, Baroda and Central India Railway, which is Company-managed. I am, however, sending a copy of the question to the Agent and General Manager, for such action as he may consider necessary.

NON-OBSERVATION OF THE HOURS OF EMPLOYMENT REGULATIONS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

406. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Railways be pleased to state :

- (a) if it is a fact that the Bombay, Baroda and Central India Railway do not observe Employment Hours Regulation Act, 1930 ; if so, why not ;
- (b) if it is a fact that Kotah district staff has to be on duty for twelve hours continuously,
- (c) whether it is a fact that road-side Station Masters are not allowed one day rest in a week, and are not given even one day's privilege leave in a month for marketing purposes : if so, why not ; and
- (d) whether it is a fact that other Station Masters are given one day rest in a week ; if so, why ?

The Honourable Mr. A. G. Clow : Government have no reason for supposing that the Hours of Employment Regulations are being infringed on this railway, and unless there is an infringement of the regulations, the matters mentioned in parts (b), (c) and (d) of the question are the concern of the Agent and General Manager. Inquiries will, however, be made in respect of parts (b) and (c).

REST TO STATION MASTERS ON THE AGRA-BIANA SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†407. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Railways be pleased to state :

- (a) whether the Bombay, Baroda and Central India Railway allowed one day rest to Agra-Biana Section Station Masters ; and
- (b) the reason or reasons for stopping this facility after some time ?

LEAVE WITHOUT PAY GRANTED TO THE MENIAL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†408. *Pandit Sri Krishna Dutta Paliwal : Will the Honourable Member for Railways please state :

- (a) if it is a fact that when menial staff on the Bombay, Baroda and Central India Railway is given leave without pay, the

†For answer to this question, see answer to question No. 405.

substitutes are given Rs. 13 per mensem, while the full amount is deducted from the man on leave ; and

- (b) whether the Railway intend to discontinue this practice in the case of the poorly paid menial staff ?

(b) WRITTEN ANSWERS.

CONCESSIONS ALLOWED BY RAILWAYS DURING THE *Urs* of KHAWJA SAHIB AT AJMER.

409. *Mr. H. M. Abdullah : Will the Honourable the Railway Member be pleased to state :

- (a) the number of passengers carried by Railways to Ajmer on the occasion of the *Urs* of Khawja Sahib ;
- (b) the number of passengers who arrived at Ajmer during the period of the *Urs*, three days before and three days after ; and
- (c) whether the Railway allowed the same concession to passengers visiting the *Urs* at Ajmer, in the same manner and on the same conditions as issued to pilgrims to Hardwar ?

The Honourable Mr. A. G. Clow :	(a) 1933-34	63,860
	1934-35	72,700
	1935-36	73,980

Figures for later years are not available.

(b) The information is not available.

(c) The concessions are not identical.

CONTRACT FOR THE SUPPLY OF POWER TO THE GREAT INDIAN PENINSULA RAILWAY.

410. *Mr. Mann Subedar : (a) With reference to the reply given by the Honourable Sir Thomas Stewart to starred question No. 1170 on 6th April, 1938, will the Honourable the Railway Member state the terms of the contract for the supply of power to the Great Indian Peninsula Railway by the Tata Group of Power Companies ?

(b) Have the minor details, which had to be settled, been settled now ?

(c) What is the rate at which power is being supplied to the Great Indian Peninsula Railway ?

The Honourable Mr. A. G. Clow : (a) and (b). The agreement has not yet been completed and, as stated by Sir Thomas Stewart, when Government has had an opportunity of seeing the contract in its full form, the advisability of laying a copy on the table of the House will be considered.

(c) Approximately .6 anna per unit.

XB ENGINES.

411. ***Mr. Manu Subedar :** (a) Will the Honourable Member for Railways be pleased to state the name of the officer, who was deputed to the United Kingdom when the working drawings for the XB engines were prepared ?

(b) Will Government be pleased to state the prices for each contract for each engine together with the names of the firms, to whom orders were given for XB engines from the beginning up to date ?

The Honourable Mr. A. G. Clow : (a) Mr. A. Devon.

(b) In reply to starred question No. 29, asked by the Honourable Member on 8th August, I gave him the names of the firms and in reply to a supplementary question I undertook to secure the prices of each consignment. That information is now being collected and will be laid on the table in due course.

ESTABLISHMENT OF A BROADCASTING STATION IN ANDHRA.

412. ***Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state whether he is aware that not one single Broadcasting Station is installed in any one of the eleven Andhra Districts ?

(b) Was there a proposal to instal one at Rajahmundry ? If so, why was it abandoned ?

(c) Is he prepared to consider the desirability of installing such a station at Bezwada, or Rajahmundry ?

(d) Was the Provincial Government of Madras consulted previous to the installation of Broadcasting Stations at Madras and Trichinopoly ?

The Honourable Mr. A. G. Clow : (a) Yes.

(b) Yes. It was not possible to provide a station at Rajamundry, in addition to two stations at Madras and one at Trichinopoly within the funds available.

(c) Yes, when funds are available.

(d) Yes.

INSPECTION OF THE VIZAGAPATAM PORT BY CERTAIN MILITARY OFFICERS.

413. ***Mr. K. S. Gupta :** (a) Is the Honourable Member for Communications aware that four military officers inspected the port of Vizagapatam about the middle of June, 1938 ?

(b) If so, what was the object of such a visit or inspection ?

(c) Is there any proposal to convert the harbour of Vizagapatam into a naval harbour, or an air base, as a measure of the East Coast Defence ? If so, when will it be taken up ?

(d) What is the expense for such a visit ? Is it met from the General Revenues, or debited to Defence account ?

The Honourable Mr. A. G. Clow : The question should have been addressed to my Honourable friend, the Defence Secretary.

FINANCIAL CONDITION OF THE VIZAGAPATAM PORT.

414. ***Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state whether the port of Vizagapatam is running at a loss ? If so, what is the deficit for the year 1937-38 ?

(b) Are there any measures in contemplation of the Government of India to improve the financial condition of the port of Vizagapatam ? If so, what are they ?

(c) Is there an enquiry made to see that a substantial reduction could be effected in the expenses to maintain the port of Vizagapatam ? If not, why not ? If so, when was the enquiry made and what are the results ?

(d) Is there a rapid reduction in the number of workers from time to time since the opening of the Harbour ? If so, why ?

(e) What was the number of workers in the following years :—1930, 1934, 1936, 1938 (i.e., 1st April, 1938) ?

(f) Has there been an increase in the official and supervising staff since the opening of the Harbour from time to time ? If so, what is the necessity of such increases ?

(g) What was the number of officers and supervisors in the following years in the Port of Vizagapatam :—1930, 1934, 1936 and 1938 (i.e., 1st April, 1938) ? How many of them are Europeans, Anglo-Indians and Indians ?

(h) Is there any memoranda submitted to the Honourable Member by the Union of the Harbour workers with regard to the rapid and unjust retrenchment of workers, while the supervising and official staff, mostly consisting of Anglo-Indians and Europeans, is on the increase from time to time ? If so, what action is proposed to be taken ?

The Honourable Mr. A. G. Clow : (a) The Port ran at a loss for several years but in 1937-38 there was a surplus of Rs. 31,671.

(b) In so far as the financial condition of the Port depends upon economy of administration, steps are being taken to secure it.

(c) The financial position of the Port was reviewed recently, and I do not think there is scope for substantial reduction in the ordinary working expenditure.

(d)—(g). The information is being obtained and will be placed on the table in due course.

(h) No. A letter was addressed by the President of the Vizagapatam Harbour and Port Workers' Union to my Honourable friend, the Commerce and Labour Member, in March, 1937. This contained as an enclosure a memorandum setting out the alleged grievances of the employees in the port, one of which related to retrenchment of staff. After investigation, it was decided that no action was necessary.

CERTAIN STAFF OF THE VIZAGAPATAM PORT.

415. ***Mr. K. S. Gupta :** (a) Will the Honourable Member for Communications please state how many pilots—Europeans, Anglo-Indians, and Indians are there in the service of the Port of Vizagapatam ?

(b) Is it a fact that a boat awaits at the quarters of the Pilot to fetch him whenever a ship is sighted ? How many times a week is each Pilot asked to pilot the ships ? What is the time taken by each Pilot to bring in the ship from the roads to the Harbour ?

(c) What was the average number of ships which called at the Harbour of Vizagapatam each month during the year 1937-38 ?

(d) Is it a fact that one of the Pilots is always on leave ?

(e) How many Engineers are there on the Dredger Vizagapatam ? What are their respective duties ?

(f) What is the necessity of a non-piloting Harbour Master ?

(g) Is there any necessity for an assistant to the Mechanical Superintendent, when the men under his supervision were reduced to 200 from 800 ? Is it a fact that chargemen, foremen and supervisors are on the increase when the work in the Harbour is on the decrease ?

(h) What is the strength of the workshop staff in the Port of Vizagapatam ? What is the salary of the European Foreman in the workshop, and of his two assistants who are Anglo-Indians ? What are the qualifications of the Foreman ? Does he get any special allowance to look after the smooth running of the cars of the European officers in the service of the Port of Vizagapatam ?

(i) How many Civil Engineers were employed for the purpose of the construction of the Harbour ? How many of them are there after the construction of the Harbour ? Why did not the administration abolish the post of one of the Civil Engineers employed for construction, when it was rendered vacant by the resignation of one of the original employees after the construction ?

(j) What was the volume of transport for the year 1937-38 in the Port of Vizagapatam ? Is it a fact that the Traffic Manager of the Port has an assistant ? What are the salaries of the Traffic Manager and his assistant ? Does the Traffic Manager get any additional pay by virtue of other duties ?

The Honourable Mr. A. G. Clow : (a), (b), (d), (e), (g) and (h). The information is being collected and will be laid on the table in due course.

(c) Between 28 and 29 per month.

(f) The Harbour Master is in charge of all the pilotage work at the Port and performs the duties of Dredging Superintendent.

(i) My information is that in October, 1933, when the construction of the Harbour was in progress, there were in the employment of the Port one Engineer-in-Chief, one Deputy Engineer-in-Chief, one Executive Engineer and four Assistant Engineers. The sanctioned strength at present is one Port Engineer, one Executive Engineer and one Assistant Engineer of which the last post is still vacant.

(j) The volume of trade handled at the port during the year 1937-38 was about 7,24,000 tons. The Traffic Manager of the Port has an Assistant. Their salaries respectively are Rs. 2,500 per mensem plus £13|6|8 sterling overseas pay, and Rs. 850 per mensem. I would mention that the permanent Traffic Manager also performs the duties of Deputy Administrative Officer and his pay has been fixed accordingly.

GRIEVANCES OF EMPLOYEES OF THE VIZAGAPATAM PORT.

416. *Mr. K. S. Gupta : (a) Will the Honourable Member for Communications please state when the memoranda of grievances was presented to the Administrative Officer, to his Deputy and to the Honourable Member, by the Harbour and Port Workers' Union of Vizagapatam ? What steps are taken or proposed to be taken to redress the grievances ?

(b) Is it a fact that the Union is not yet recognised ? If so, why is the recognition put off ?

(c) Are there any service conditions in operation, regulating the employment of the Vizagapatam Port employees ? If so, what are they ? If not, why not ?

The Honourable Mr. A. G. Clow : (a) The letter was received by the Honourable the Commerce Member on the 13th March, 1937. It was not sent through the other authorities mentioned, but another letter appears to have been sent to the Deputy Administrative Officer in December, 1936. Some of the points raised had already been settled, and on the rest no action was considered necessary.

(b) Yes ; because the Administrative Officer was not satisfied that the Union was representative and the Union refused to afford facilities for verification of the active membership.

(c) The information has been called for and will be laid on the table in due course.

COST OF BUILDING THE PATNA JUNCTION STATION.

417. *Babu Kailash Behari Lal : (a) Will the Honourable Member in charge of Railways be pleased to state the estimated cost of building the Patna Junction Station, and how much money has been spent on it up till now ?

(b) Who is the contractor ?

(c) How is a contract for such a big work given ? If tenders are invited, who were the persons, or firms, who submitted tenders ?

The Honourable Mr. A. G. Clow : (a) The estimated cost of re-modelling Patna Junction Station is Rs. 3.14 lakhs. About Rs. 2.23 lakhs has been spent to the end of March, 1938.

(b) Udham Das.

(c) Tenders are invited. Enquiries are being made as to the other persons or firms who submitted tenders and a reply will be laid on the table in due course.

BREACHES BETWEEN PARSARMA AND SUPAUL ON THE BENGAL AND NORTH WESTERN RAILWAY.

418. ***Babu Kailash Behari Lal :** (a) Will the Honourable Member in charge of Railways be pleased to state if it is a fact that this year also the Railway line between the Railway Stations of Parsarma and Supaul on the Bengal and North Western Railway has been breached on account of the flood water flowing over the line ?

(b) Has the Railway traffic been suspended due to flood water rising over the line abnormally ?

(c) If the answer to part (b) be in affirmative, what is the distance so affected ?

(d) Have the authorities made any investigation with a view to finding out some remedy for saving the line from being submerged under water ?

(e) Is it a fact that the authorities propose to raise the general level of the line that is submerged under water, and increase the number of openings for passing water from one side to the other ?

The Honourable Mr. A. G. Clow : (a) and (b). Yes.

(c) The distance affected is about three miles.

(d) and (e). I am calling for the information required and it will be placed on the table when it is received.

REFUSAL TO GRANT A PASSPORT TO MAULVI ISMAIL GHAZNAVI OF AMRITSAR.

419. ***Khan Bahadur Shaikh Fazal-i-Haq Piracha :** (a) Will the Foreign Secretary please state for which reasons and under what circumstances passports are not granted to certain persons for going to Europe and other foreign countries ?

(b) Is it a fact that Maulvi Ismail Ghaznavi of Amritsar possessed a regular passport for Europe and Hedjaz, the term of which expired on the 10th October, 1937, and for the renewal of which he applied on the 9th October, 1937, to the Deputy Commissioner, Amritsar, who informed him that the passport could not be renewed under rules, and that he should apply for a fresh passport ?

(c) Is it a fact that Maulvi Ismail Ghaznavi accordingly applied for a fresh passport to the Deputy Commissioner, Amritsar, who wrote to him on the 16th March, 1938 : " that his application has been rejected and the passport cannot be granted " ?

(d) Will the Foreign Secretary please state if the application was rejected at the instance of the Government of India ? If so, why ?

Sir Aubrey Metcalfe : (a) Passports are normally granted except to applicants who are likely to become destitute abroad, or where there is reasonable ground for apprehending that an applicant's visit to any country would be dangerous.

(b) Yes.

(c) The information has been called for and will be laid on the table in due course.

(d) Yes. For the reasons for this action the Honourable Member is referred to the reply given to part (b) of Maulvi Syed Murtuza Saheb Bahadur's starred question No. 1166 on the 10th April, 1933. Information in Government's possession indicates that there is no reason to believe that Maulvi Ismail Ghaznavi has modified his campaign of hostility towards the British Government, and that if he had been given the travel facilities for which he applied, he would have established undesirable and dangerous contacts abroad.

RUNNING TRAIN ROBBERIES COMMITTED AGAINST WOMEN ON THE BENGAL AND NORTH WESTERN RAILWAY AND EXPENDITURE ON RAILWAY POLICE.

420. ***Maulvi Muhammad Abdul Ghani :** Will the Honourable Member for Railways be pleased to state :

- (a) the number of running train robberies committed against women in the reserved or unreserved compartments over the Bengal and North Western Railways during 1936, 1937 and 1938 ;
- (b) the steps taken by the said Railway Company and Government to stop such robberies in future ;
- (c) the amount of expenditure over the Railway Police on different Railways (State and Company-managed) ; and
- (d) whether the expenditure mentioned in part (c) is borne by the Government of India, or various Local Governments ?

The Honourable Mr. A. G. Clow : (a) Two in 1936 and one in 1937. Figures for 1938 are not at present available.

(b) I would refer the Honourable Member to the reply given to Mr. C. N. Muthuranga Mudaliar's starred question No. 25 on the 25th January, 1937.

(c) and (d). The Railway Police is divided into two categories, *viz.* 'Crime' and 'Order'. The cost of the former, which is borne by the local civil authority, is not known : that of the latter, which is borne by Railways, approximates to Rs. 23 lakhs.

INDIANISATION OF THE FRONTIER IRREGULAR FORCES.

421. ***Mr. Abdul Qaiyum :** (a) Will the Foreign Secretary please state whether the Frontier irregular force, *viz.*, Gilgit Scouts, Chitral Scouts, Kurram Militia, Tochi Scouts, South Waziristan Scouts, Zhob Militia and Makran Levy Corps, are entirely officered by non-Indians ?

(b) Has any Indian been ever appointed to any of the above-mentioned forces so far? If not, what are the reasons for their exclusion?

(c) What allowances are paid to the following in the above forces :

- (1) Lieutenant,
- (2) Captain,
- (3) Major,
- (4) Lieutenant-Colonel, and
- (5) Colonel?

(d) Is the travelling allowance drawn by officers in the above Forces double the travelling allowance allowed to such officers in the Army?

(e) Are Government prepared to take speedy steps to Indianise the Frontier Force? If not, why not?

Sir Aubrey Metcalfe : (a) Yes.

(b) No. Of the four Indians whose names have been received, three were not selected and the fourth was selected but subsequently refused the appointment.

(c) A statement showing the allowances paid to officers of the Frontier Corps is laid on the table.

(d) The officers draw travelling allowance at the rates admissible to other officers in civil employ.

(e) No. The most suitable candidates, British or Indian, will be accepted.

Statement showing the Allowances paid to Officers of the Frontier Irregular Corps in addition to their emoluments in the Army.

(i) Additional pay at rates varying from Rs. 125 p. m. to Rs. 550 p. m. according to the appointment held by the officer and not according to his rank.

(ii) Frontier Allowance at the following rates :—

					Per. mensem.
					Rs.
2nd-Lieutenant	..	..	..	..	40
Lieutenant	..	..	..	..	45
Lieutenant after 7 years' service	..	..	..	..	50
Captain	..	..	..	..	60
Captain after 10 years' service	..	..	..	..	65
Captain after 15 years' service	..	..	..	..	75
Major	..	..	..	..	90
Major after 5 years' service	..	..	..	..	105
Lieutenant-Colonel	..	..	..	..	120

Officers of the rank of Colonel do not serve with any of the units of the Frontier Corps.

(iii) The officers if qualified in Pashtu draw a language allowance at the rate of Rs. 100 p. m. so long as their substantive pay does not amount to Rs. 1,500 a month.

SHORT NOTICE QUESTIONS AND ANSWERS.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.
12 NOON. Short Notice Questions.

RAILWAY ACCIDENT IN SOUTH INDIA.

Seth Govind Das : Will the Honourable Member for Railways please state :

- (a) whether he has received any detailed news regarding the serious train accident in South India on 21st August, 1938 ;
- (b) the number of casualties arising out of the accident ;
- (c) the causes that led to the accident ; and
- (d) the steps Government are taking to render relief to the injured ?

Mr. M. Ananthasayanam Ayyangar : I also have a short notice question, Sir, on the subject.

The Honourable Mr. A. G. Clow : It would be a convenience, Sir, if with your permission they could both be asked as they cover the same ground.

RAILWAY ACCIDENT IN SOUTH INDIA.

Mr. M. Ananthasayanam Ayyangar : (a) Will the Honourable Member for Railways be pleased to state if a serious railway accident occurred on the 21st August, 1938, on the Trichinopoly-Shencottah line of the South Indian Railway ?

- (b) What is the number of casualties—dead and injured ?
- (c) What was the cause of the accident ?

The Honourable Mr. A. G. Clow : Parts (a), (b), (c) and (d) of my answer refer to Seth Govind Das's question, and parts (a), (b) and (c) correspond to parts (a), (b) and (c) of Mr. Ananthasayanam Ayyangar's question.

(a) Government learned with deep regret that shortly after midnight on the morning of Sunday last, the 11 Down Shencottah passenger train was derailed. The accident occurred in mile 255 between Ayyalur and Vadamadura on the Trichinopoly-Madurai section. The engine and four bogie vehicles capsized.

(b) The latest information I have is that 31 persons have been killed and about 115 injured.

(c) The accident is reported to have been due to the railway line having been washed away, consequent on a sudden cloudburst.

(d) I understand that all slightly injured persons were taken to the Government Hospital at Dindigul by bus and those seriously injured by special train to the Government Hospital at Madura. The local Medical Officer at Dindigul and the Railway's Principal Medical Officer rendered medical aid.

Seth Govind Das : In view of the fact that third class bogies are always overcrowded and are always put in the front of every train, and because at the time of these accidents most of the casualties are amongst third class passengers, will Government think it advisable to put these third class bogies at the back of the train ?

The Honourable Mr. A. G. Clow : But obviously you have not enough room at the rear and some of the bogies must be at the front.

Mr. K. Santhanam : May I know whether Government propose to order a public inquiry into this matter ?

The Honourable Mr. A. G. Clow : An inquiry will certainly be made by the Senior Government Inspector of Railways.

Mr. S. Satyaumrti : May I know what are the causes of the accident, has an inquiry already been set on foot, and do the Government propose to order a judicial inquiry as they did in the case of the Bhita disaster ?

The Honourable Mr. A. G. Clow : The Honourable Member is asking me precisely the question which I declined to accept at short notice.

Mr. S. Satyamurti : But, I am entitled to ask it by way of a supplementary question.

The Honourable Mr. A. G. Clow : It is quite impossible to arrive at a decision on a question like that at this juncture.

Mr. S. Satyamurti : Have Government conveyed their sympathy to the victims of the disaster—those who have been injured as also the relatives of the deceased ?

The Honourable Mr. A. G. Clow : Yes, Sir.

Mr. S. Satyamurti : Will Government associate every section of this House with the conveyance of that sympathy with these unfortunate people ?

The Honourable Mr. A. G. Clow : Certainly.

Mr. S. Satyamurti : As regards the actual cause of the accident, so far as my Honourable friend has given the answer he mentioned a cloudburst. May I know—of course I am a layman—whether a searchlight on these railway engines will not disclose to the engine driver if a line has been washed away ?

The Honourable Mr. A. G. Clow : I am not in possession of the full particulars but it is perfectly possible for a bank to be washed away underneath the rails and until you are quite close to it it may appear to be all right.

Mr. S. Satyamurti : Have Government considered the question of compensation for the survivors of the deceased and injured without waiting for an inquiry and so on ?

The Honourable Mr. A. G. Clow : No, Sir, that cannot be considered till we have the report of the Senior Government Inspector of Railways.

Mr. T. S. Avinashilingam Chettiar : Did the railway have any information about the weakness of that line before the accident happened ?

The Honourable Mr. A. G. Clow : I do not think so ; I believe a train passed over that spot at about a quarter to eleven that night.

Mr. S. Satyamurti : Are Government satisfied that adequate medical treatment is being given to all those who have been injured as a result of this unfortunate accident ?

The Honourable Mr. A. G. Clow : Yes, Sir, I believe that is the case. I have just received a telegram from the Agent saying that he is personally visiting the hospitals in question.

Seth Govind Das : May I know how many persons are missing ?

The Honourable Mr. A. G. Clow : The last information I have is that about nine passengers who have been killed have been unidentified so far.

Maulana Zafar Ali Khan : May I suggest that since such loss of life is increasing on railway lines during the rainy season, especially in the neighbourhood of flooded areas, a pilot engine should always precede a railway train ?

The Honourable Mr. A. G. Clow : That is not practicable.

UNSTARRED QUESTION AND ANSWER.

EMPLOYEES ENTITLED TO GRATUITY ON THE EAST INDIAN RAILWAY.

13. **Mr. Mohan Lal Saksena** : Will the Honourable Member for Railways be pleased to state whether an employee of the East Indian Railway is entitled to gratuity after ten years' service, and if so, under what conditions ?

The Honourable Mr. A. G. Clow : The attention of the Honourable Member is invited to Rule 3 of the State Railway Gratuity Rules, a copy of which will be found in the Library of the House. Conditions similar to those laid down in that rule apply also to the grant of gratuity to the staff taken over from the old East Indian Railway Company, who remain subject to the East Indian Railway Company's gratuity rules.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have to inform Honourable Members that Dr. Sir Ziauddin Ahmad and Maulvi Abdur Rasheed Chaudhury have been duly elected to the Central Advisory Board of Education.

THE CRIMINAL LAW AMENDMENT BILL.—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : Legislative Business. The House will now resume discussion of the following motion moved by Mr. Ogilvie :

“ That the Bill to amend the Criminal Law be taken into consideration.”

Mr. Jinnah.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, so much heat has been generated into this debate and so much passion has been imported into it that it is very difficult for one to get up in this electrified atmosphere to reason before this House. But I am obliged at any rate to put the case of my Party for what it is worth. Sir, the more passion and the more heat you bring into this debate, the less room there is for reason and common sense.

The next observation I should like to make is this,—and I say this with a certain amount of regret that the Honourable the Leader of the Opposition should have used the expressions which he did in this speech. Coming from a back-bencher I would not have minded them, and one could understand that, but what was his argument ? What were his assertions ? They were, Sir, more or less of this character,—that any man who is going to support this Bill ought to be ashamed of himself. That is regrettable, coming as it did from the Leader of the Opposition. He said that any man who is going to support this Bill will be selling the freedom of his country and betraying the country's liberty. Then, he wound up with an expression of regret and intimidation which is not worthy of the Leader of the Opposition. He said : “ You, the Muslim League, are occupying a position of balance. Probably this is not going to last. There is soon coming a time when that Bench will disappear ! ” And, then, what does he foreshadow for us—that we should be crushed down, ground down by a brute Hindu majority ; does he think that we shall not have the courage of our conviction and our opinions ? Sir, is this democracy ? Sir, I deprecate this attitude, I deplore it, and I do ask the Leader of the Opposition to reconsider his position ; it is really not worthy of him, and I will not say anything more about the various other insinuations and invectives which he and others of his Party indulged in ; but I can assure the House and my Honourable friends of the Congress Party here on the right, with whom we have the misfortune or good fortune to differ on this question—and believe me—that I am not actuated by any other consideration except the interest of India. Therefore, let us get back to calm, cool and careful consideration of this matter.

Sir, this Bill has had so much extraneous matters imported into it—it has gone from Peru to Java and China—we have discussed all sorts of things, but let us consider this Bill dispassionately and let us see whether this Bill, *in present conditions*—please remember that—is called for ; situated as we are is a factor, I wish we could do something better—do not think that I do not understand the policy which you are standing for—unfortunately, I cannot accept that policy, with the same motives, and give me the same credit as I give you credit for ; you honestly believe it that it is good for you, and I honestly believe that it is not good for the country—at any rate let us debate and discuss the motion on floor of this House calmly, coolly and with careful consideration. Now, Sir, the first point that I would like to touch upon before I pro-

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ceed further is this. Has the Provincial Government of the Punjab the power to enact this measure if they require it for their own province ? Now, Sir, the Honourable the Leader of the Opposition made his speech and I heard him with great attention, and so did I the speech of the Honourable the Law Member on behalf of the Government. Well, when I heard the Law Member on behalf of the Government I really felt that he expounded the correct position as far as I am able to judge at the present moment. But when the Honourable the Leader of the Opposition argued—he will correct me if I am wrong,—he did not take into account entry 42 in Federal List I and he did not mention that entry at all. Now, if you only mention entry 42 in List I, then, with the utmost respect, the whole of his argument falls to the ground. The position is this. You have got in the Federal List, entry No. I, which has been read to the House and I need not repeat it. Now, if you read entry 1 with entry 42, it seems to me that they cover this Bill. Then, we come to List II, the Provincial List, and the only entry that I can find in it is 37 which does not seem, in my judgment, to attract any application so far as this Bill is concerned. Then, we come to List III, entry 1. It seems to exclude this Bill because the matters which are excluded in this List cannot possibly cover this Bill. In fact, it excludes it. May I with your permission, Sir, read entry 1 of this List. It says :

“ 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 is one more quotation on this point from section 100 of the Government of India Act which bears on the subject. Sub-section (1) of section 100 of the Government of India Act, which I am going to quote, should be read in conjunction with Lists Nos. I, II and III. This is what sub-section (1) says :

“ Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the ‘ Federal Legislative List ’).”

After all, one can only express one's own opinion after reading the various parts of the Act and these Lists. Nothing is certain in this world. I am not committing myself to anything which may, in future, be quoted as a precedent, but as far as I have applied my mind I am satisfied that the Provincial Government cannot enact a measure of this character. If this is so, then the next question which arises is this, that we have got definitely on the statement of the Law Member, on behalf of the Government of India, that the Provincial Government of the Punjab have desired for such a measure and that the Government of India have considered it and have examined the materials and they have come to the conclusion, concurring with the Punjab Government, that there is a necessity for a measure of this character. Now, I will tell you how my mind has evolved various points and what has been the reaction from time to time. The first question to which I had to apply my mind was whether there was a necessity for this measure and whether the Legislature should pass a measure of this character ? Undoubtedly, it is a measure which creates a new offence.

Undoubtedly, this Bill proposes to place on the Statute-book an *ad hoc* Statute and we cannot pass it merely because the Government comes before us and says that they want it. When the Honourable Member in charge of the Bill put his case, I can frankly tell you that my reaction at that time was that no case was made out to begin with and there was no necessity for it. I must say I was very much amazed but I do not know what the reasons are. I do not know why the case was not put from the very beginning in the manner in which it might have been put. Later on, I pursued the examination of this point and I followed the other speeches and I followed the speech of the Honourable the Home Member with great care. I hope you will forgive me because I have no desire really to offend anybody and I do not want to say anything which will hurt anybody's feelings but you will forgive me when I say that I had not much doubts whether a *prima facie* case was made out by the Honourable the Home Member. But whatever little room there was for doubt in my mind was completely removed by the speeches that followed from these Congress Benches on this side. You have definitely declared—I do not say wrongly or rightly—that you are going to preach and persuade and carry on the agitation to stop the enlistment to the army and to stop the recruitment to the army. You have definitely said that and not only that but that it is your policy that you are going to instigate acts of mutiny and insubordination in these would-be recruits and those who are in the army.

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

Mr. M. A. Jinnah : I know that the speeches of the Honourable Members on the Congress Benches have been very contradictory and have been very conflicting. I am not taking one speech or two speeches but I am taking, if you will pardon me, the net result of all the speeches. One Member said that he stands for pacifism. We have got in every country cranks and crooks who stand for pacifism. I forgive him ; he is entitled to his opinion. I want nothing but entire pacifism all over the world. There should be no war. There should be peace and plenty all over the world. I have no objection of any kind if all wars are banned. I am not now concerned with those Honourable Members who believe in pacifism. For myself, it is not a question of belief in pacifism or not believing in pacifism. I believe in saving my neck if I am in danger. I do not want to hurt anybody. I want to be a very good man, but it does not follow that everybody in this world is good and they do not want to hurt me. Therefore, I say that it is really not a question of pacifism or non-pacifism. As practical men we are going to defend ourselves or not ? That is the question. I say I am going to defend myself. That is my first point. My Honourable friend, Mr. Satyamurti, has enunciated six points as a condition precedent to accepting this Bill.

An Honourable Member : What about your 21 points.

Mr. M. A. Jinnah : Mr. Satyamurti has reduced it to six points and other Honourable Members generally have not confined themselves to six points. They asked for more which he did not. I will come to them in proper time. The question really is first of all as to the necessity. I do not know whether I am right or wrong, I shall be very sorry to put something in the mouth of Honourable Members on those Benches which they did not mean, but it is for the House to judge and, at any rate, to examine

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the Bill. Never mind whether I am right or wrong in interpreting the attitude of the Congress Party. The Bill, as I have analysed it, relates to two points and a third point which may or may not occur. The first point is :

“ wilfully dissuades or attempts to dissuade the public or any person from entering the Military, Naval or Air Forces of His Majesty.”

That means really interfering with recruitment. The second part of the Bill is :

“ without dissuading or attempting to dissuade any person from entering such forces, instigates the public or any person to do, after entering any such Force, anything which is an offence punishable as mutiny or insubordination....”

Therefore, to put in a nutshell, it is agitation, movement organised or otherwise to interfere with recruits in the army and, secondly, to instigate those who are in the army or who enter the army to commit acts of mutiny or insubordination. These are the only two points in the Bill. Now, I would ask the Honourable Members this question : do you want me to send this message—do not forget the present conditions in which we are— to my countrymen and say, do not enlist in the army, if you enlist, then mutiny, do you want me to instigate every member of the army from the sepoy upwards to an officer—Indian of course, I am talking,—that they should mutiny and that they should commit acts of insubordination ? Is this the message that you want me to convey to the army in India in the present conditions in which we are situated. I am unable to do so. Do you want this message to be sent, do you want this lead to be given to your men, men who will be your better material, superior material because it is only those men who will obey that message or that lead. What will be the consequence to these men ? Are we merely to send this message and send this lead from this House or are we going to pursue this message and follow it up with a definite programme against this wicked Government ? Are we in a position to do that ? Let me tell this House what will be the consequence ? I only got a letter from an ex-prisoner three days ago. It is a heart-rending letter. He has described how he was carried away and what his position today is, and in what plight he is today. I will show that letter to my Honourable friends of the Congress Party if they want. They can verify for themselves. Do you want me to tell these men who are likely to be influenced to run the risk ? What will it result in ? It will result in blasting the career of some of these men ; it will result in ruination of their lives, and if there is a serious revolt it will result in loss of life of these men. Would you be able to break this machine ? I am not satisfied that we could do it now or are ready for it. May I, therefore, counsel to you, with all the passion at my command, let us find out other channels, other avenues, let us concentrate on something practical and then I think you might achieve your object. I am not afraid of revolution. I think it is the right of every country to revolt. If I instigate the army today, it will be only disastrous to me and not to the opponent whom I want to hit. In other words, I do not want to cut my nose in order to spite my face. That is the only reasoning which compels me to take up the attitude that I am. My Honourable friend, Mr. Satyamurti, and other Honourable Members were narrating a catalogue of grievances or a catalogue of charges against the Government. This is really not a communal question. I do

not wish to give it the slightest communal turn because communalism has really nothing to do with the Bill. It has nothing to do with any particular community. Well, if an argument was necessary, I say there is a tendency amongst Congressmen sometimes to appeal to the Muslims in the name of their religion, sometimes there is a tendency to coerce them, sometimes there is a tendency of intimidating them. There was manifest in this debate that tendency to influence the Muslim League Members. Mr. Gadgil and some other Honourable Members brought in the question of Palestine. I entirely agree with them in their points of view with regard to Palestine and Waziristan. At any rate to satisfy you about our *bona fides* I say that we are supporting the principle of the Bill in spite of Palestine and Waziristan. If anything we Muslims have got much greater grievance against this Government than the Congress Party has. We whole-heartedly join you and we feel in the same way as you do for our country. We have moreover feeling of sympathy for our co-religionists in other parts of the world. Apart from they being our co-religionists, we feel that the policy which the British Government are pursuing in Palestine and in Waziristan is unjust and brutal. Well, then we have got much greater grievance. I am not introducing any communal issue at all. I am only arguing in this way that we Muslims have got much more and greater grievances against this Government than you can possibly have. Then what object have we to support this Bill? Because, as somebody says, we feel that it is a lesser evil. It is the inevitability and practicability which force down our hands.

Now, then, with regard to the catalogue of charges some Honourable Member said, "I will not allow you to pass this Bill unless you agree here and now on the floor of this House to repeal the Government of India Act, 1935, and give me the constitution I want". Another point was,—I will read out those interesting points in Mr. Satyamurti's speech, and there is a great deal that I agree with :

"First, by amending the Government of India Act and handing over defence to a responsible minister, responsible for the defence of the country."

That is to be the first gesture in favour of recruitment. Do you not think you are trying to kill a fly on a wheel? Do you think that by your throwing out this Bill you will make Government give you what you want? Is this a lever strong enough to move this Government? Are you in earnest?

Mr. S. Satyamurti : Yes.

Mr. M. A. Jinnah : By throwing out this Bill only or also encouraging acts of mutiny and insubordination? Surely.

Now, let me get on :

"Secondly, you want withdrawal of British troops as soon as possible from the country completely."

But is this not a contradiction in terms? Of course we want the British troops to be withdrawn from this country. That is the policy we have persistently maintained, and the argument is unanswerable, unassailable, except, of course, that the Government is not willing; and we want the army in this country to be completely Indianised. I have for many years fought for it, with very little success, if any at all. But, at the same time, you say that the best material,—because those who will

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hear your message will be your best material,—should not join the army, and, therefore, in the result the undesirables and the worst mercenaries will join the army. In the same breath you want the army to be Indianised. Is this not a contradiction in terms? I know we are impatient because we have reason to be impatient. But this is not the way to do it; by saying “Do this or else I will throw out this Bill”, with what results? I am not in love with this Bill at all and would like to throw it out, but who will suffer for it? That is the question.

Then the next point is this :

“Thirdly, by frankly and honestly accepting a scheme of Indianisation which will Indianise the ranks within 20 years at the most.”

I whole-heartedly support it. I have stood for it, I cannot tell you for how long. And let me tell you that in the Defence Committee of the first Round Table Conference even on a modest proposal made by me, I found to my regret that there was not a single Indian who supported me. And the proposal was that at any rate in the future the officer ranks should be recruited from amongst the Indians only and not Britishers. Even then I do not know how long it would take. One estimate was that it would take 40 years and another estimate was 50 years. But even then it would have taken 40 to 50 years before the officer rank of the Indian army would have been completely Indianised. That was a proposal for which I fought single-handed and if you will look up the proceedings you will see that there was not another Indian to support me.

Then the fourth point is this :

“By treating our Indian officers well and encouraging them.”

But you are going to instigate them to acts of mutiny and insubordination. The Bill aims at preventing that and if no one attempts to do that it will remain a dead letter. It was there in 1932 and was repealed in 1935. I do not know what happened to this Government, bad as it is; probably they were in a good frame of mind; they have their own calculations, sometimes correct and sometimes not. Anyhow, they came up in 1935 and repealed that part of the Criminal Law Amendment Act. Therefore, when you say “treat our officers well and encourage them”, that will depend upon ourselves :

“Fifthly, by abolishing the eight-unit scheme and making British and Indian officers equals and allowing Indian officers to command British officers and not keeping them back on racial grounds.”

I entirely agree. That is not a new point at all. Then :

“Sixthly, by making it clear to His Majesty's Government that Indians will not take part in any war against the interests or the will of India.”

On that point I entirely agree. Government say that the Indian army is “primarily and mainly” for the interests of India and for the internal security of India. There is a loophole in this phraseology and I want to go further and say that it should be entirely and solely and only in the interests of India. And if you want to use our army you can only do it in such war or difficulty or trouble as is likely to affect the Indian interests, and in which we would willingly co-operate with you and help you. But I quite agree that there is a loophole under the

present constitutional position, and having regard to the right over and control and the vesting of the army in hands which are not responsible to us, how is that to be cured? As my Honourable friend, Mr. Satyamurti, said, and somebody else said, the India of 1914 was different from the India of 1938. I am now contemplating a war, having passed through the stage of recruitment and instigation to mutiny and insubordination. Let us see what should or would be done with our army having this Bill as a Statute. And let me tell you that however dull an Englishman may be he is not quite so dull as not to realise what is the true force of public opinion in this country notwithstanding the provisions of this Bill. And as I said, I again recommend to you, let us try other channels and other methods which are in our hands, which we are neglecting and we are frittering away our energies in small matters. Let that time come—I do not know whether a war is going to break out or not : we have been hearing a lot about it lately but I do not know whether it will break out—it does not look like breaking out for some time : but, so far as that contingency is concerned, let that contingency arise and then, if we follow the right lines which are available to us, believe me it will be very very difficult for this Government to utilise our army when we do not want it. Why do you say that you will be prevented from taking that attitude if we so decide? What is the obstacle in your way? This Bill which provides some punishment for a year or whatever it may be—Is that the obstacle in your way? Do you think as practical men, as politicians that if a war breaks out tomorrow, it is not open to the Government to enact a measure of this character and even worse by Ordinance? What will you do then? Will you be frightened then? The only obstacle is only one year's punishment or two years in this Bill.

An Honourable Member : Anticipating the result?

Mr. M. A. Jinnah : We have moved an amendment to that effect and this Government cannot carry anything to which we do not agree. But I was only taking as an illustration of the point I wanted to make and it is this : this is for the period of time the third contingency I mentioned : the first period is the recruitment and the second is the instigating of officers and sepoy in the army to acts of insubordination : for that I certainly will not take any responsibility of endorsing it as I have explained ; the third stage is this, that the war breaks out. If I may say so I listened to the speech of my Honourable friend, the Leader of the Nationalist Party, with very great respect and, whether I agree with him or not, he maintained, if I may say so, the dignity and position of a Leader. He put his arguments very forcibly : similarly, my friend the Deputy President : he put his arguments and maintained the dignity and position as a Leader ; and that was the point which was really revolving in my mind—my friend, Mr. Aney's point, is that this is really done to anticipate a war. Now, at that time the position will be this. As soon as the last war broke out we had Ordinances, the Defence of India Act and other things in this country and in every other country. So, when a war breaks out, can you imagine that this Government is going to keep still? Probably they have got these Ordinances already ready in their secretariat. The danger is there already—one year or two years or it may be five years : but I do not think that that

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is going to be an obstacle in the way if we are going to pursue the right lines, and God willing, in spite of Ordinances and in spite of the great machinery behind them, I do think we can paralyse them if they do not obey our will.....

Maulvi Abdur Rasheed Chaudhury (Assam : Muhammadan) : May I know how ?

Mr. M. A. Jinnah : I will tell you when the time comes.

I have exhausted Mr. Satyamurti's six points : now I come back to the Bill. So far as the Bill is concerned, I agree with Mr. Satyamurti that we do not want to hold the baby for the Punjab Government. Whether I am right or wrong in the opinion that the Punjab Legislature has no power to enact this measure, even assuming that I am right, I do not want this Statute to operate in the Punjab or in any province at all, as imposed by the Central Government. Therefore, we considered the matter very carefully and we have given an amendment and I will certainly not support this Bill unless that amendment is accepted, namely.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : It is an agreed amendment !

Mr. M. A. Jinnah : No, it is not : if you insinuate and attribute motives I have nothing more to say, but I have insisted upon it. It is no use saying : " Government have agreed ". Do you really think that it is better that each province should decide for itself or not ? If there is any meaning in provincial autonomy, we are going to pass this baby back to the Punjab Government and we will tell them : " Hold your baby ". If you want this measure, if you think there is a necessity for it, you stand the racket and take the responsibility and face your legislature. Therefore, this is one of the points I have insisted upon. Another point is that no person should be prosecuted without the previous sanction of the Local Government. I do not want this measure to be used for any other purpose—or rather abused ; and, therefore, no person should be prosecuted except with the sanction of the Local Government. The next thing is with regard to the sentence. I think myself it will be sufficient and will serve the purpose we have in view if it is only one year and not more. With regard to clause 2 (a) I am not satisfied with it and I propose it should be in this form—amendment No. 7 on the supplementary list. That is on the supplementary list No. 2 :

" (a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or."

I may say that it is not the last word on the amendment. If any other amendment comes from any other quarter, believe me, I am quite willing to consider and say whether I can agree or not.

An Honourable Member : Thank you.

Mr. M. A. Jinnah : But that is a different point altogether. Therefore, having considered this from all points of view, I feel, and my Party feels, that we shall be doing the greatest harm to our people under the conditions as they exist today, to allow, as it is threatened to do, a movement, an organized movement, an agitation, to stop recruitment, to instigate acts of mutiny and insubordination. Well, Sir, I regret I am unable to subscribe to that view, and I hope that one day perhaps my friends will realise that I have acted with the same motives they claim for themselves and that I have done a service to the interests of India.

Mr. C. M. G. Ogilvie (Defence Secretary) : Sir, I have been accused of having been rather over-brief in my speech on the motion for consideration. I was, however, under the impression that a brief description of the intense campaign against recruitment that is now being carried on in the Punjab, and a summary of the views, the expressed views, of the people who were carrying it on, would be sufficient. I may again be guilty of the error of over-brevity, as my friend, Mr. Jinnah, in his most lucid exposition, has shown most clearly the nature of the case, if it can be so-called, which we have to meet. I am particularly grateful to him for disposing finally of the legal point.....

Mr. S. Satyamurti : Finally ?

Mr. C. M. G. Ogilvie : Finally.

Mr. S. Satyamurti : Federal Court !

Mr. C. M. G. Ogilvie : I am particularly grateful to him for disposing finally of the legal point, as I feel I am singularly ill-equipped to cross swords in that field with so eminent and experienced a jurist as the Leader of the Opposition. There were three statements made by the Opposition speakers with which I cordially agree, one by my friend, Mr. Aney, that the debate has been remarkable for the extreme frankness of the views expressed, the second was a remark in my friend Mr. Asaf Ali's speech to the effect that the debate had had a chequered career, and the third was culled from the oration of the same speaker was that many speakers had unfortunately side-stepped the issue. There were in fact very few arguments adduced which had any close connection with the Bill itself. I will start with those which, in my opinion, had least connection and get those out of the way.

As my friend, Sardar Mangal Singh, said, the Opposition had succeeded in getting discussed or debated by themselves various adjournment motions which had been disallowed on grounds of public policy. I presume that their connection with the Bill was that a Government which would do things like that deserved to have its army tampered with. The first of them was the case of bombing on the Frontier, and we heard a very horrible and lurid account of it from my friend, Mr. Abdul Qaiyum, according to which, one would, if one knew nothing about it, draw the conclusion that peaceful, harmless, humble, highlanders were being bombed to extinction in their village homes, that no women or children were left alive in Waziristan.....

Mr. Abdul Qaiyum (North-West Frontier Province : General) : I never said that.

Mr. C. M. G. Ogilvie : and that this was being done from sheer motives of aggression on those whom he was pleased to call peaceful civilians. In a few sentences later, however, my Honourable and invaluable friend described a blood-thirsty raid on Bannu, in which according to his own words, innocent people were shot and their property looted and burnt. Where were your innocent civilians then ? I noticed also with great interest that he made an interpolation yesterday, during the speech of my friend, Captain Sir Sher Muhammad Khan, when the latter was discussing the attack of Afridis on Peshawar in 1930. He said : ' We wanted them '. Did he also want them to attack Bannu ? The actual facts of bombing on the Frontier are perfectly well-known to everyone and they have been publicly stated many times. They have been clearly and fully set forth in the command paper which is at the disposal of Honourable Members, and I have myself answered questions in great detail on the subject. I may, however, repeat in brief that it is not designed to secure loss of life, but the prevention of avoidable casualties, that it is better both from our point of view and the point of view of Mahsuds and the Waziri raiders that the tribesmen should be subjected to inconvenience as a result of the threat of bombing than that we should have to embark on a difficult land campaign with heavy casualties on both sides. Frequently land action has been avoided by this means. His comparison of the bombing of great cities in Spain and China without warning with the bombing or threatened bombing after full warning of small fortified hamlets populated by a nomadic population who are accustomed every year to move themselves bag and baggage has no meaning, and the two cases have even less relationship than that alleged in his statement that a certain eminent person's nephew was supporting his policy,—they are not even remote cousins. What his real reasons are for objecting, I leave the House to draw its own conclusions. They seem to me to be remarkably obvious.

The next argument was alleged discrimination against Indian commissioned officers. I wish to reject that with all the force at my command. Some Indian commissioned officers have sometimes their difficulties—we are fully aware of that—owing to the fact that the life is new and strange to many of them. We fully realise that, and if there is any discrimination it is in their favour. I do not want it to be understood that we regard them anything but highly. Those of the type and character to make good officers, of whom there must be an illimitable supply in this country, those of them whom we get are splendid officers and fully bear out the highest traditions of the Indian army than which I cannot possibly say more. The third connected point was Sir Philip Chetwode's speech. I think I have already indicated—I thought, proved to the satisfaction of the House—that no slight of any kind was intended to Indians generally or Indian officers in particular. The fact is that a number of persons who might make and probably would make excellent civil servants, doctors or lawyers, have found themselves in the army and they find eventually that to make military life their profession, their life's work, is not suited to them. But there is no more in it than that. There is no bearing on class or caste or tribe or community whatever. A large number, a comparatively large number of the right type are forthcoming and we hope that in future that more will be, and one of our problems is how to tap them. But when we get them they are splendid officers fully worthy of the confidence reposed in them to uphold the honour

and dignity of the army in India. Those three matters have remarkably little connection with this Bill, and I now proceed to some which appear to have more.

One is that the Bill is novel. It is not novel. The first clause was part of the law in 1932-35. Previous to 1932 there had been a certain amount of speaking about service in the army and police being unlawful, and, therefore, the provision found its way into the Criminal Law Amendment Act. But in the years 1932-35 that activity had entirely ceased and, therefore, it was dropped. Unfortunately, within the last eighteen months, this activity has recrudesced to a most alarming extent and, therefore, it has been thought necessary to replace it in the Statute-book. The second clause is the only new one and that, I noticed with interest, was hardly alluded to by any of the Opposition. The new offence is that one—asking people to enlist with intention to mutiny afterwards. That is the new offence which the ingenuity of certain persons has created and to meet it, therefore, a new law has become necessary. The next point was that the Bill was unnecessary as the existing laws deal with the offences which it seeks to penalise. It has been amply proved that they do not. The third is that normal recruitment has not been affected, or, if it has been, it is due to other causes. I stated in my speech on the consideration motion that normal recruitment had not been affected. The normal recruitment has not been affected though Mr. Gadgil took the trouble to prove what I said, by reading out a large number of pages from the strength returns. The idea, as I said before, was—I repeat it again now,—that the virulence and intensity of this propaganda would, in the opinion of the Government, make an expansion of the army difficult in time of war; also we might be getting in a certain amount of tainted and disloyal material. That is a danger which we cannot afford to neglect. The next was that the Bill affects civil liberties. I suppose section 302 affects civil liberties—it affects liberty any way, though perhaps not civil. The statement that this kind of thing would be allowed in Canada and so on, is, I think, too monstrously absurd to require contradiction. Any one who went round and preached in Canada that a man should not enlist when the next war came or enlist with the intention of mutinying would be dealt with very summarily indeed. Then, there were three more of a different type. One was that there should be a national army. How does the Bill affect that? Another was that the present form of the constitution should be changed (At this stage, Mr. M. Asaf Ali rose in his place.) Please let me go on. and that there should be a defence ministry. How does the Bill affect that? The third is that the Indian army should not be used for purposes other than the defence of India. How does the Bill affect that? As my Honourable friend, Mr. Jinnah, said in so many words, the case of the Opposition seems to rest upon the desire to support the very offences which are dealt with by the Bill. I refrain from quoting the terrible remarks made by a large number of persons on the Opposition Benches. The reason why I said that I hoped that this Bill was uncontroversial was that I believed that, whatever our differences, we all had one common link, a little tenuous perhaps, but we had. We are Members of the same House. We are Members of the same House because we have all taken the oath of allegiance. (*Cries of "Oh!"* from the Congress Benches.) I fully realise that the members of the Opposition do not like being reminded of that fact. What they had to say hardly squares with

[Mr. C. M. G. Ogilvie.]

it ; in fact, as one Honourable Member stated, it must be nauseating to them. But still so long as threats of this kind are introduced into debates, it seems to me that the whole spirit of parliamentary relations is being undermined. That the Government should have to listen to such stuff is almost intolerable.

Mr. S. Satyamurti : On a point of order, Mr. President. My Honourable friend said that for Government to hear such " stuff " is intolerable. All speeches made in this House are *ex hypothesi* perfectly Parliamentary, subject as they are to your rulings. If my Honourable friend found any un-Parliamentary word or phrase, it was open to him to object, and you would have ruled on the merits of the case, but after listening to the whole debate and not having raised a single point of order, except one, on which I withdrew, after your ruling that it was un-Parliamentary, it is an insult to a section of the House, when the Honourable Member characterised a whole series of speeches as " stuff ", especially as they have been dealt with by you as perfectly Parliamentary and in order. I submit, Mr. President, that this ought not to be tolerated.

Mr. President (The Honourable Sir Abdur Rahim) : I understand that the word objected to is " stuff ".....

Mr. C. M. G. Ogilvie : I withdraw the word " stuff " and substitute the word " speeches ". These speeches have been dealt with by Mr. Jinnah, and I shall say no more about the necessity for this Bill. With these words, I oppose the circulation of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : There are two amendments, one in the name of the Congress Party and one in the name of the Congress Nationalist Party. I understand that it is agreed among the two parties that it will be quite sufficient to put the motion in the name of Mr. Satyamurti, and, if necessary, later on, the motion in the name of Sardar Sant Singh.

The question is :

" That the Bill be circulated for the purpose of eliciting opinion thereon till the 30th September, 1939."

The Assembly divided :

(When the Division was in progress.)

Mr. S. Satyamurti : On a point of order. I see that an Honourable Member (Mr. K. Ahmed) is being taken into the " Noes " Lobby by force.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member says that he was coerced into voting one way or the other, then that vote will be invalid.

(Division in progress.)

[At this stage, Mr. K. Ahmad was being physically pressed to cast his vote by different Honourable Members one way or the other.]

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. No Honourable Member should be forced to vote one way or the other,

AYES—56.

Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjea, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

NOES—67.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Aikman, Mr. A.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.

Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. R.
 Dutt, Mr. S.
 Essak Sait, Mr. H. A. Sattar H.
 Faruqui, Mr. N. A.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jinnah, Mr. M. A.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.

Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Mehr Shah, Nawao Sahibzada Sir Sayed Muhammad.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdom.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rafuddin Ahmad Siddiquee, Shaikh.
 Rahman, Lieut.-Col. M. A.
 Rajah, Raja Sir Vasudeva.
 Scott, Mr. J. Ramsay.

Shahban, Mian Ghulam Kadir Muhammad.
 Shaukat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Umar Aly Shah, Mr.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zafrullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 30th October, 1938.”

The Assembly divided :

AYES—56.

Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjea, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.

Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.

Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Surya Kumar.

Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

NOES—66.

Abdoolah Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Aikman, Mr. A.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhutto, Mr. Nabi Baksh Ilahi Baksh.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. R.
 Dutt, Mr. S.
 Essak Sait, Mr. H. A. Sathar H.
 Faruqui, Mr. N. A.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jinnah, Mr. M. A.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.

Maxwell, The Honourable Mr. R. M.
 Mehr Shah, Nawab Sahibzada Sir Sayed Muhammad.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdom.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Rahman, Lieut.-Col. M. A.
 Rajah, Raja Sir Vasudeva.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Shaukat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Umar Aly Shah, Mr.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zafrullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim) : There were two other motions for circulation which were moved. One was by Mr. Ayyangar.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I withdraw my motion.

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

Mr. President (The Honourable Sir Abdur Rahim) : The other motion was moved by Mr. Laichand Navalrai.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I withdraw my motion.

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

Mr. President (The Honourable Sir Abdur Rahim) : Now, I will put the main motion. The question is :

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

The Assembly divided :

AYES—65.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Aikman, Mr. A.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. E.
 Dutt, Mr. S.
 Essak Sait, Mr. H. A. Sathar H.
 Faruqui, Mr. N. A.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Ghulam Bhik Nairang Syed.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jinnah, Mr. M. A.
 Kamaluddin Ahmed, Sams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.

Mehr Shah, Nawab Salibzada Sir Sayed Muhammad.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Rahman, Lieut.-Col. M. A.
 Rajah, Raja Sir Vasudeva.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Shaukat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Umar Aly Shah, Mr.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zafrullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

NOES—55.

Abdul Qaiyum, Mr.
 Abdal Wajid, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.

Lakehand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

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

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“That, clause 2, stand part of the Bill.”

Khan Bahadur Nawab Siddique Ali Khan (Central Provinces and Berar : Muhammadan) : Sir, I beg to move :

“That for sub-clause (a) of clause 2 of the Bill, the following be substituted :

‘(a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuade or attempts to dissuade the public or any person from entering any such Forces, or’

Sir, I shall only briefly state the reason why this amendment is necessary. The intention of the Bill is to prevent people from unduly interfering with the recruitment of those who want to enlist in the army. Unless such interference with recruitment is not only wilful but also

[Khan Bahadur Nawab Siddique Ali Khan.]

intended to affect adversely the numerical strength of the army, it cannot be regarded as an offence. A man may ask another not to join the army for a variety of reasons which are not necessarily criminal. For instance, a man may love his son so fondly that he may not like to expose him to the dangers to which persons serving in the army are exposed, or he may tell him not to join the army because he wants to keep him constantly with him owing to his excessive fondness for him. And yet, his attitude may be misunderstood or wilfully misconstrued, and he may be charged with an offence under sub-clause (a) of clause 2 as it stands and without any reference to his true motive or intention which he may plead in vain and which may be held to be irrelevant. He may be convicted and punished notwithstanding Exception 2 which is not sufficiently explicit or comprehensive. Therefore, it is necessary to amend the sub-clause in the way proposed by me in order that it may be necessary for the prosecution to prove the criminal intent. In some of the speeches an objection was raised that the Bill as it stands seeks to lay the onus of proving his good faith and innocence on the accused. My amendment if carried will remove that objection. I, therefore, hope the House will unanimously support my amendment and Government will accept. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That for sub-clause (a) of clause 2 of the Bill, the following be substituted :

‘ (a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or ’.”

Mr. C. M. G. Ogilvie : Sir, Government accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That for sub-clause (a) of clause 2 of the Bill, the following be substituted :

‘ (a) with intent to affect adversely the recruitment of persons to serve in the Military, Naval or Air Forces of His Majesty, wilfully dissuades or attempts to dissuade the public or any person from entering any such Forces, or ’.”

The motion was adopted.

Mian Ghulam Kadir Muhammad Shahban (Sind Jagirdars and Zamindars : Landholders) : Sir, I beg to move :

“ That in clause 2 of the Bill, for the words ‘ two years ’ the words ‘ one year ’ be substituted.”

The motive of my amendment is to reduce the punishment for any offence under this Act from two years rigorous imprisonment to one year. In my opinion the ends of justice will be amply served if an offender is sentenced to one year, which term I think is long enough to deter the offenders from violating the provisions of this Bill. After all what the Government wants is to create a moral influence in the country, so that none may dare to break the discipline of the army and this will be attained even if the punishment is reduced as proposed by me. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That in clause 2 of the Bill, for the words ‘ two years ’ the words ‘ one year ’ be substituted.”

Mr. C. M. G. Ogilvie : Sir, the period of two years is obviously a mild one for the type of offence which this Bill seeks to penalise, especially as two years is a maximum. But Government are inclined to agree that for practical purposes the deterrent effect of a maximum of one year or two years is not very different and they are therefore prepared to accept it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That in clause 2 of the Bill, for the words ‘ two years ’ the words ‘ one year ’ be substituted.”

The motion was adopted.

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris : Muhamadan) : Sir, I move :

“ That in clause 2 of the Bill, the following new paragraph be inserted before Exception 1 :

‘ No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government ’.”

In moving this amendment, I do not want to make an elaborate speech.....

Mr. Lalchand Navalrai : None is required.

Mr. H. A. Sathar H. Essak Sait : None is required, because our Leader, Mr. Jinnah, when he spoke on the consideration motion, did make it clear what the intention behind this amendment was. It was mentioned in some speeches that it was possible that the provisions of this Bill may be misused because of enmity or for other reasons. To guard against that my amendment seeks to provide that no prosecution shall be launched except with the previous sanction of the Provincial Government. I hope this amendment will commend itself to the House and I therefore move it.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That in clause 2 of the Bill, the following new paragraph be inserted before Exception 1 :

‘ No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government ’.”

Mr. C. M. G. Ogilvie : Sir, Government accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is .

“ That in clause 2 of the Bill, the following new paragraph be inserted before Exception 1 :

‘ No person shall be prosecuted for any offence under this Act except with the previous sanction of the Provincial Government ’.”

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :—

“ That clause 2, as amended, stand part of the Bill.”

The Assémbly divided :

AYES—60.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. R.
 Dutt, Mr. S.
 Essak Sait, Mr. H. A. Sathar H.
 Faruqui, Mr. N. A.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jinnah, Mr. M. A.

Kamaluddin Ahmed, Shams-ul Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.
 Mukharji, Mr. Basanta Kumar.
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zafrullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

NOSE—52.

Abdul Qaiyum, Mr.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjea, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.

Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kunt.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.

Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 1 stand part of the Bill.”

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab : Muhammadan) : Sir, I move :

“ That for sub-clause (3) of clause 1 of the Bill, the following be substituted :

‘ (3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such province.’ ”

This is No. 5 in the Consolidated List, Sir. As is clear from the wording of the amendment I have just moved, it aims at empowering the Provincial Governments to enforce this measure in their respective provinces, when and if they find it necessary. This will also give them power to limit the period for which the measure should remain in force so as to avoid keeping the Act permanently on the Statute-book.

Sir, the amendment, if it finds favour with the House and is accepted, will meet the serious objections that have been raised during the discussion of the motion for circulation, that the Bill is being rushed through without first taking public opinion or the opinions of even the Provincial Governments. In giving the power of enforcing this legislation to the provinces, we will be giving them an opportunity to carefully consider the circumstances and see if they need enforce this law at all. They will also get an opportunity to consult their people before enforcing it, if they so desire.

Sir, it may be a fact that the Punjab Government have expressed their desire for the enactment of the legislation under consideration, but certainly no opinion has been obtained from any other Provincial Government, nor probably has it been called for. When we have autonomous Governments in the provinces at the present time, it is the provinces that are responsible for their people, and it is unfair to inflict a penal law on them, without even ascertaining their views on the subject. When law and order is a provincial subject and when the administration of any measure even if it is passed by this House rests with the Provincial Governments, it will simply be a fair thing to give them

[Shaikh Fazl-i-Haq Piracha.]

power to enforce the law if and when they like. Under the circumstances mentioned by the Honourable the Leader of our Party in his eloquent speech this morning, although we were against defeating the Bill altogether and opposed the circulation motion, we are nevertheless keen on passing this Bill in the best acceptable form, so that it may not be used for any other purpose than the one aimed at, and to make it as little repressive as possible. I hope that if the Government also accepts this amendment of mine, the Bill will not be viewed with so much hatred and contempt as it has been viewed in the discussions. I hope the Government will have no objection to accepting this amendment and will help to make the measure more acceptable. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment moved :

“ That for sub-clause (3) of clause 1 of the Bill, the following be substituted :

‘ (3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such province ’.”

Mr. C. M. G. Ogilvie : Sir, Government have no objection whatever to accept this amendment in principle, but with your permission, I should like to propose a small drafting amendment. Sub-section (3) should read :

“ This section shall come into force at once. The rest of the Act shall come into force in any province on such date as the Provincial Government may by notification in the official Gazette appoint in this behalf for the province.”

Mr. K. Santhanam (Tanjore *cum* Trichinopoly) : Non-Muhammadan Rural) : Sir, we have not got this amendment before us.

Mr. C. M. G. Ogilvie : If there is no objection.....

Mr. K. Santhanam : We have objection.

Mr. C. M. G. Ogilvie : Subject to the drafting change, Government are prepared to accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta) : There is objection taken ; I don't think the amendment can be allowed.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour) : It is only a drafting amendment, and drafting amendments have always been allowed.

Mr. Deputy President (Mr. Akhil Chandra Datta) : If somebody will explain the significance of the change, I can consider it. Is there any change of substance ?

Mr. C. M. G. Ogilvie : There is no change of substance at all.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I want to know how there is no change of substance.

Mr. C. M. G. Ogilvie : The idea is that section 1 should clearly be kept alive, and this wording, in our opinion, does it better than the wording of the amendment as proposed by my Honourable friend.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is that all ?

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

Mr. M. A. Jinnah : I do not quite understand what the amendment is, and I do not think that the House has understood what the amendment is.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I am afraid I cannot allow this change.

The question is :

“ That for sub-clause (3) of clause 1 of the Bill, the following be substituted :

‘ (3) It shall come into force in a Province on such date as the Provincial Government may, by notification in the official Gazette, appoint in this behalf for such province ’.”

The motion was adopted.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That clause 1, as amended, stand part of the Bill.”

The Assembly divided :

AYES—65.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Aikman, Mr. A.
 Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Boyle, Mr. J. D.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. R.
 Dutt, Mr. S.
 Essak Sait, Mr. H. A. Sathar F
 Faruqui, Mr. N. A.
 Fuzli-Haq Piracha, Khan Bahadur
 Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghulam Muhammad, Mr.

Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Jinnah, Mr. M. A.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha
 Nath.
 Mukharji, Mr. Basanta Kumar.
 Murid Hussain Qureshi, Khan Bahadur
 Nawab Makhdum.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rafuddin Ahmad Siddiquee, Shaikh.
 Rahman, Lieut.-Col. M. A.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Shaukat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar
 Sir.

Siddique Ali Khan, Khan Bahadur Nawab.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.

Umar Aly Shah, Mr.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zaffullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

NOES—54.

Abdul Qaiyum, Mr.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The question is :

“ That the Title and the Preamble stand part of the Bill.”

The Assembly divided :

AYES—65.

Abdool Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ahmed, Mr. K.
 Aikman, Mr. A.

Anderson, Mr. J. D.
 Ayyar, Mr. N. M.
 Azhar Ali, Mr. Muhammad.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhutto, Mr. Nabi Baksh Illahi Baksh
 Boyle, Mr. J. D.

Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Chatterjee, Mr. R. M.
 Clow, The Honourable Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Damzen, Mr. P. R.
 Dutt, Mr. S.
 Esak Sait, Mr. H. A. Sathar H.
 Faruqui, Mr. N. A.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghulam Muhammad, Mr.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jinnah, Mr. M. A.
 Kamaluddin Ahmed, Shams-ul-Ulema.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Maxwell, The Honourable Mr. R. M.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mitchell, Mr. K. G.
 Mukerji, The Honourable Sir Manmatha Nath.

Mukharji, Mr. Basanta Kumar.
 Murid Hussain Qureshi, Khan Bahadur Nawab Makhdum.
 Nauman, Mr. Muhammad.
 Nur Muhammad, Khan Bahadur Shaikh.
 Ogilvie, Mr. C. M. G.
 Rafiuddin Ahmad Siddiquee, Shaikh.
 Rahman, Lieut.-Col. M. A.
 Scott, Mr. J. Ramsay.
 Shahban, Mian Ghulam Kadir Muhammad.
 Shaukat Ali, Maulana.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Bahadur Nawab.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Town, Mr. H. S.
 Tylden-Pattenson, Mr. A. E.
 Umar Aly Shah, Mr.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Zafrullah Khan, The Honourable Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

NOES—53.

Abdul Qaiyum, Mr.
 Abdur Rasheed Chaudhury, Maulvi.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hegde, Sri K. B. Jinaraja.

Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Maitra, Pandit Lakshmi Kanta.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Muhammad Ahmad Kazmi, Qazi.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. M. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.

Sham Lal, Mr.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.

Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subbarayan, Shrimati K. Radha Bai.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

The motion was adopted.

The Title and the Preamble were added to the Bill.

Mr. C. M. G. Ogilvie : Sir, I move :

“ That the Bill, as amended, be passed.”

Mr. Deputy President (Mr. Akhil Chandra Datta) : Motion moved :

“ That the Bill, as amended, be passed.”

Mr. Lalchand Navalrai : Sir, I rise at this late stage—but I think it is not too late. I think this is a stage where final and more mature consideration should be given to this Bill. Now I have risen at this stage on my own behalf and on behalf of my Party, which has permitted me to speak at this moment, on their behalf. Sir, on my behalf and that of my Party I have to record a strong protest against this Bill. I have seen instances even at this late stage where Bills have been thrown out. Sir, it has been clear throughout this consideration and deliberation that the majority of the elected Members in this House are against this Bill and, therefore, the majority of the population in India must be taken to be against it. I would ask those Honourable Members who have up to this time—I mean Members on the right side of mine—who have up to this time shown that they are in favour of the Bill....

An Honourable Member : With amendments.

Mr. Lalchand Navalrai : They should give a little more consideration to the matter and forget any consideration that they may have been offered or that they may have been led away by. They should remember that when this Bill is passed it will do a great harm. Sir, the attitude of my Party has been very clear from the very beginning. We asked that the Bill should not be rushed through this House without obtaining public opinion. I do not see eye to eye with anyone who says that this Bill should be passed forthwith and the ordinary procedure of passing Bills should not be gone through. Sir, it is clear that from the Congress Party an amendment was put forward that the Bill should be sent for circulation and during the circulation the opinions might be elicited before the 30th September, 1939. Well, my Party thought that that amendment might be considered to be of a longer duration than necessary and, therefore, I put in my amendment to say that the Bill should be circulated and opinions elicited before the 1st February, 1939, in order to give an opportunity to this House to get those opinions and consider them and then give their verdict by consideration of the Bill next Session which has to come in February. But I withdrew that because I saw that the House at that moment was not in a mood to accept the circulation. Then I would draw the attention of the House to the other amendment put forward by our Party Member, Sardar Sant Singh, who asked only for a delay of two months. He said that before the end of October opinions might be secured. Now, I submit that it was a matter of only two months and nothing would have been done by that time that would have hamp-

ered in any way the passing of this Bill. Therefore, I make it clear that the intention of those that wanted circulation was not to say that this Bill should be thrown away or that such delay should be made that the object of the Bill might be frustrated. I submit, therefore, that I must enter a strong protest on behalf of my Party and myself. Then, the first question is whether there has been any urgency shown for this hustling. I submit the Honourable Member for Defence has not been able to show that there is any war impending or that it is likely that it is to come in a day or two or even in a year or two years. Thus, no facts have been placed before us to give our judgment on the point as to whether the Bill should thus be rushed through this House. Then, Sir, it has been said by Honourable Members that the attitude of the British Government is that of conciliation. Now, it appears that they do not want to enter upon any war, and that has been shown by what they have been doing for the last year or two. Therefore, I submit that no urgency has been shown at all. The attitude of the British Government, "at present, is to be conciliatory with other countries and not to enter into war with them but it seems they wish to remain in perpetual war with India and not to enter into conciliation with the people of India and to pass a Bill like this against the opinion of the people of India. Then, Sir, with regard to the necessity, I do not find that it has been proved to the House that there is a great necessity for the passing of this Bill. Now, what is the necessity that has been urged? It has been said that there is a propaganda going on in the Punjab and that speeches are being delivered there which stand in the way of the recruitment to the army, but not a single speech has been brought forward before the House. How are we going to accept it? We cannot accept the necessity of this Bill merely because the Government say that speeches have been delivered which threaten the recruitment to the army. The third argument that was put forward was that this Bill would apply only to the Punjab at once. It was also argued that because the Punjab Government has agreed to do so and has asked the passage of this Bill, therefore, this Bill is being enacted. But it is not the Punjab Government alone that is concerned. This Bill will apply to the whole of India and, therefore, the opinion of the Punjab Government alone is not enough to show that there is a necessity for it. I submit that the opinions of the other Provincial Governments should also have been taken into consideration before passing this measure. If this Bill is going to be passed in the teeth of the opposition of the majority of the elected Members, it will go in the annals of the history of this country that a Bill of such an important nature was passed in the teeth of the opposition of the people of India. I am conscious of the opinion of the Muslim League. They have helped in the passing of this Bill no doubt, but, after all, they should realise that they are in a minority here as well as in the country.

Maulana Zafar Ali Khan (East Central Punjab : Muhammadan) :
We are a nation.

Mr. Lalchand Navalrai : I do not accept it. You are only a part
of the nation. I submit that I have got respect for
4 P.M. them and for their community but what I wish to
say is that they have taken an attitude which they should not have
taken. We could see from the speech of the Honourable Mr. Jinnah
that it was already arranged that certain amendments will be accepted

[Mr. Lalechand Navalrai.]

by the Government and, therefore, their attitude was in favour of the Bill. This has been proved by subsequent events that it was so and their amendments have been accepted. But what have they gained by these amendments? I should like to disillusion them of any benefits that they think they might have gained. The first amendment that they put forward and which was accepted was with regard to the giving of power to the Provincial Governments to enforce this Bill by notification. Now, the Honourable the Defence Secretary has already said that he wants this Bill first for the Punjab, whose opinion they have already got. Therefore, as soon as this Bill is passed, the Punjab Government would apply it forthwith. If the Punjab Government applies it forthwith, what have they gained? I submit that by that amendment they have got nothing. Then, again, no amendment has been accepted that the Punjab Assembly will be consulted. The Punjab Government will apply it because they have already been committed to it. You have not said that the Punjab Government should place it before their Legislative Assembly. They will take the responsibility as they have done now. The other Provincial Governments have not been consulted and, therefore, I see no reason why this Bill should be passed by this House. A Bill passed by this House will be considered as an important Bill only because we have passed it, and they may accept it, but the point is why should not this Bill wait for some time?

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

I submit, therefore, that though some Members may be determined to pass this Bill, it will go to the credit of this House if it is thrown out. If not, the country would say that their own men of the Minority Party have failed them.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Mr. President, let it not be imagined that I am making this speech at this third stage merely to obstruct, but I expect to put a point of view before this House and, after I have done so, it is likely that the Bill may be rejected. Well, Sir, to begin with, I am going to take a realistic view of this Bill. And what is the realistic view of the Bill? It is this. To begin with, in spite of the gibes against my Party, I think that the Congress Party has justified its existence in this House and for this reason that if this Party had not been in this House, then let me ask Mr. Jinnah himself whether some of his amendments would have been accepted by this Government. I admit that next to rejection some of the amendments that have been put forward by my brethren of the Muslim League are the second best.

Mr. M. A. Jinnah : May I inform the Honourable Member that as I had heard—I am glad if it is untrue—that the Congress Party might not take part in the further proceedings of this Bill, I stipulated with the Government and said that unless they accept my amendments, I should vote with the Congress for the circulation of the Bill, which means its virtual rejection.

Dr. G. V. Deshmukh : I am glad that Mr. Jinnah has verified my statement. It only goes to prove that if the Congress Party had not

been in this House, there would have been no occasion for this stipulation and the agreement of the Government.

Mr. M. A. Jinnah : Quite right. You can be very useful.

Dr. G. V. Deshmukh : I tell you that in spite of the gibes and jokes we mean to be. What is the second realistic view of the situation that we have to see. I see the point is made that if the Britishers were to leave India, what would happen to us ? I think that only a poet or a lover or a lunatic can accept this view. You can take it from me that Great Britain is not going to leave India unless she is driven out by force of circumstances. In spite of what the Congress Party might say, in spite of what the Muslim League Members might say, let us look at the facts as they are. It is not possible for us to drive the English out of this country. If we could, we would like to. But as I say I belong to a practical profession, and I am determined to take a practical view of the Bill before the House. Therefore, in the absence of force of circumstances, it is always best to accept the practical situation as it is. I say that the British people are not going out of this country unless they are forced to do so by force of circumstances. Therefore, all these talks that we have heard that if England were to leave India, supposing we were to ask our people not to join the army, not to be recruited and if ever this thing comes to pass, India will be without an army, without defence ; or the other picture that Srimathi India speaking to Dame England, " well sister, what will we do if you leave India ", I say all these are fit only for poets or the other people I mentioned before. What is this war that we are talking about ? Some people say that war is going to come. Others say that war is not going to come. I am no military expert as I do not belong even to the famous service which knows everything about everything on the face of the earth. What I do say is this. Assuming that war is going to come, how is this Bill going to help us ? Personally I do not believe that war is going to come to India soon. It is for this reason. India has got a large seaboard and you cannot imagine any European power coming by the sea and invading India. Very well. So far as war is concerned, what is modern warfare ? Modern war is solely confined to air attacks. Can you imagine any European power marching through the continent of Asia and walking through the Khyber pass and attacking India by air ?

An Honourable Member : They will come by Lloyd Tristeno.

Dr. G. V. Deshmukh : I am going presently to mention to you that our great Indian Navy for which the Punjab Government has applied for recruitment is going to prevent that ! Indeed no man in his senses can imagine that any nation is going to invade India by way of the sea. Nor do I think that anybody in his senses is going to imagine, at the present stage, that he will witness the march of the Central Asiatic hordes of people, horsemen marching through the Khyber Pass. What is our army meant for ? The army that we have is sufficient for the defence of our country and if the Defence Secretary says, ' no ', then I want to ask him what has he been doing so far. I say our present forces are enough for the defence of India. How then is the main attack from foreign power going to come. It is going to come through the air and there again the Punjab Government have applied for recruitment to the Air Force also.

[Dr. G. V. Deshmukh.]

I saw all my friends here talking about defence. For me, it is only defence of India by Indians. Unless you have Indians in the Air Force, what is the good of this defence ? I should like to ask the Government how many Indians there are in the Royal Air Force.

I will give the House a valuable information. Any European can join the Royal Air Force, but no Indian can. Something more, no Asiatic can join. I challenge the Defence Secretary to deny my statement. I once again reiterate that in the Royal Air Force no Indian can get admission. I speak with authority and it is for this reason. I have a nephew whom I sent to England for training in aeroplane service and asked him to join the Royal Air Force in the hope that at the time of war, whenever there is a question of defence of India arising, then my nephew might play a useful part in the defence of India. What is the reply he received from the Air Secretary ? No person of non-European descent—mark my words, a Portuguese, a Spaniard or an Italian or a German in spite of the fact that they are fighting against the British, can join the air force, but no Indian can. Therefore, all this talk about the defence of India that I heard during the last few days is sheer nonsense. If we are going to take part in the main defence of our country, it is by Air Force at the present time. Anybody—he need not be a military expert, any layman reading the newspapers every day and keeping himself in touch with modern strategy and developments of modern warfare will tell you it is only Air Force that matters now-a-days. If Indians are denied the right of admission to the main branch of defence, that is, Air Force, then what is the good of your talking here about bravery and all other things for the defence of India. Sir, here again there has been a great deal of confusion of thought, there has been less of clarity of expression and analysis.

There were a few good jokes and gibes at non-violence against my Party. I suppose it added a little amusement to the discussion in the House. I have no objection to it. But I am afraid those who talk about non-violence mix up non-violence with cowardice. Non-violence does not mean cowardice any more than generosity means extravagance or bravery means rowdiness or health means delirium. My idea of non-violence is something like that of the Quaker who when he was slapped on one cheek said, 'I will offer you the other cheek', and again he was slapped on the other cheek and he said, 'Now that I have done what the Bible has asked me to do, I will show you what this means'. My idea of non-violence, not only mine, but the idea of my Party about non-violence has been this. Everybody seemed to be indulging in cheap gibes and jokes. I say that I will exert every power I have in my defence and I will not yield to anybody, I will not allow my rights to be trampled upon or allow any foreigner to walk over me. That is the real meaning of non-violence, as I understand it, as my Party understands it. Do you want to have proof of it ? Very well, I will give you proof. Right from the time that we came to this Assembly, how many questions, have we put again and again on the Air Force, on Indianisation, etc., how many Resolutions have been moved and how many adjournment motions have been moved and how many adjournment motions were disallowed and how many questions were answered in the usual way on Indianisation, on Air Force, on defence

force, etc. In spite of all this evidence in this House still some Honourable Members talk glibly about our non-violence. Are you going to be non-violent against an invading army? I think the situation has not been analysed properly, there has been a good deal of confusion of thought. I say that surely none of them would prefer that we should be violent. What is the antithesis of non-violence, it is not cowardice, but it is violence. What I say is that if it has proved a little amusing to the House in having a few gibes at my Party on non-violence, I have no objection if it pleases them and adds to the amenities of the House. But they must understand that the non-violence of the Congress Party does not mean cowardice; it does not mean that anybody may come and trample upon us. We will stand and fight; and that brings me to the question of defence.

What is all this defence that we hear people talking about? Are we really defending ourselves at the present time? I have repeatedly made speeches before this House and said that defence is a vital question and that the defence of India must be by Indians. I do not want to have the sort of position where a man whose wife was abducted wrote to the Police Commissioner, "Find my wife and do the needful". If tomorrow a foreign enemy is coming to invade India it would be against my self-respect and humiliating to me till aeroplanes and warships and soldiers come from England, and till that time to sit down with folded arms and say, "Very well, you look after the defence of India and do the needful". I say the vital question before us Indians is that of our own defence, and I say it with grief and shame that in spite of the 30 or 20 years which have passed since the war, no Indianisation has taken place. Is this the defence that we are priding about and helping this Government to recruit for? That is so far as defence is concerned.

In case this confusing proposition about any war in which the British Empire may be engaged had not been put in in the Statement of Objects and Reasons I would have found many things in common to agree with in the Home Member's speech the other day. But I cannot imagine that in the Government of India they allow things either to be written or said inadvertently or without any specific purpose. The specific purpose in this Bill is apparent in this Statement of Objects and Reasons. I will ask this House not to go away with this idea that this was just put in somehow or other inadvertently without giving proper thought to it. I say it has been intentionally and deliberately put in that Statement. My Honourable friend, Mr. Jinnah, says that Government have the power, and they have their Ordinances. No one denies that; they have the power but there is a difference between having power by Ordinances and having it passed by law in a House consisting of elected representatives of the people. If tomorrow there is a war they can have Ordinances and no one will object to it. Everybody knows that death is inevitable and no one can escape it but who, therefore, wants to commit suicide? That is the difference between power of Ordinances and getting this kind of measure passed here. And if Government want it tomorrow in a state of emergency I know they have that power. They can pass any measures they like without even asking or consulting us. But when they come before this House with a measure like this I do not think it is any compliment to our own intelligence to say that this measure should be accepted by this

[Dr. G. V. Deshmukh.]

House of public representatives. Well, Sir, what is this British Empire ? As I said, this has been put in deliberately. What are we going to fight for ? As you know, the Empire always means capital invested in foreign countries. Are we going to fight for the British capital invested in foreign countries ? Empire means demand for raw products. Are we going to fight for demand for raw products ? Foreign interests,—are we going to fight for all these things ? I go one step further. Empire after the war also means the mandated territories of the colonies. I hope European gentlemen know what I mean. Do you expect us to fight for the mandated territories of Australia, New Zealand and the rest of them ? No. Therefore, the attitude we have taken is the correct attitude and that is that we will have nothing to do with this Bill. I do not want to take very much time of the House, but if it is not for the defence of British capital in foreign countries, or raw products or anything else, is it for the defence of Britain herself ? Do the *shers* and lions here expect that if Britain were invaded tomorrow they would be asked to defend her ? Make no mistake about it ; I know Englishmen as well as anybody else. He is patriotic enough not to ask you or anybody else to go and defend his country because he will defend it himself. And I say to all my countrymen,—be they Congressmen or others,—that in respect of this defence we must have the same self-respecting attitude as Britain would have when the defence of his own country is concerned. Therefore, Sir, without dilating on it, I want Indianisation. I want Indians to be admitted into the Royal Air Force and into the Navy. This Bill is a joke, and I will tell you how. Look at the percentage of Indians who have been admitted. As it is they have no admission into the Royal Air Force.

An Honourable Member : They are taken into the Indian Air Force.

Dr. G. V. Deshmukh : But do you know how many Indians there are in the Indian Air Force ? There are only three out of two thousand. Do you call that defence of India ? In the Navy we are not admitted.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : In the Navy they are admitted.

Dr. G. V. Deshmukh : What is the proportion of officers in the Royal Indian Navy ?

Dr. Sir Ziauddin Ahmad : They do not apply.

Dr. G. V. Deshmukh : They do not apply ! There have been questions in this House about the Royal Indian Marine, and I believe Dr. Ziauddin was absent on that day. How many of these cadets who have passed through the Royal Indian Marine have been employed in the Royal Indian Navy ? You do not know it.

Dr. Sir Ziauddin Ahmad : I know it much better than you do.

Dr. G. V. Deshmukh : You do not know anything. I am very sorry to be so impassioned, because I feel vitally on this. And I say it is a joke and an irony. We are not allowed to have admission either in the Army or in the Navy or in the Air Force, and still a Bill is brought up to say that we will go to prison if we try to dissuade persons from joining the Navy or the Air Force. Have you ever seen a better joke than this ?

I am not allowed to come into this house and yet if somebody says "Do not go into this house" then he is to be caught for dissuading me from going into a house into which I am ordinarily prevented from going. This is the position. Under the circumstances I think that the House would have done very well in rejecting this Bill altogether.

I said in the beginning that after the amendments which have been passed by my colleagues on my left I consider them as second best and it may be asked why do I, in spite of that, urge that the Bill should be rejected. It is for this reason : that I do not like the concentration of power into anybody's hands. I am sufficiently of a democratic tendency to know that power when concentrated in the hands of—it does not matter whether it is a foreigner or my own people—it is liable to be misused. I say it is liable to be misused. (Interruption.) You are merely supporting me when you say : "What about the misuse of power in the Working Committee?" I say the very example that my friend, Mr. Nairang, quoted is a sufficient argument against his own amendment that it should be given to the provinces. It is true, is it not, that he said that Mr. C. Rajagopalachari used this Criminal Law Amendment Act against the Congressmen themselves : very well, I take that argument of yours and I say that that is why I am not in favour of sending this Bill to the Provincial Governments. Your argument should have been in favour of rejecting that amendment and rejecting the Bill in toto. I do not want this Bill. Whatever this House might decide I will not make any pathetic appeals to any side of the House to vote for me or for what I am proposing. My duty merely is to put forward what I honestly feel over the whole subject. If others like to follow, very well, they may do so. If they do not, if not today then at some other later date they will realise that they have made a mistake when perhaps it may be too late. It is only from that point of view that I am putting my views before the House. I, therefore, say that considering that there has been even in this Bill, right from the drafting, whereas while in the Statement of Objects and Reasons the words British Empire occur, while the non-official protagonists of the Bill merely talked of India and defence of India, it all goes to prove that the Bill as it was brought forward was not honest to begin with. When it started with a dishonesty like this, it is no wonder that my Party should have seen through the game and suggested that the Bill should be thrown out. For the reason that I do not like that power should be concentrated in anybody's hands and that the power should be democratic in distribution, I will again appeal to the House to reconsider their decision and see whether it will not be advisable to throw away this Bill so that our children and our children's children may not have cause to curse us.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Mr. President, I think it is rather significant that the Honourable the Defence Secretary should have moved the third reading of the Bill without a speech. I fear I cannot agree with my friend, Dr. Deshmukh, and I am very sorry to disagree with him, that the amendments just accepted have at all improved the Bill. I appeal to him to examine the situation as a distinguished surgeon that he is. Supposing some one was suffering from a big carbuncle ; would he be satisfied with a small operation or would like a full major operation to be performed ? Would not the wound fester if he was satisfied with the second best ? I

[Mr. Sri Prakasa.]

think this Bill cannot possibly be improved because it is so utterly bad from start to finish ; and, therefore, I cannot congratulate those friends of mine who are responsible for the amendments. I fear that the very fact that Government have accepted those amendments gives rise to legitimate suspicion. My dislike to this Bill, and to every other Bill or Act that can possibly make my countrymen servants of a foreign power, is so great that they will all have my strongest opposition. More times than I can remember I have said in this House and outside that I am not for Indianisation till we have got Swaraj ; for every countryman of mine who joins the service of the British Government in this country is used against ourselves. We see this, day after day, in this House and we see this, day after day, outside this House, and, therefore, my opposition to this Bill is due to my desire that no Indian shall join the British army. I make no secret of it. Whether this Bill is passed into law or not, I am going to say this inside this House, where I happen to be privileged, and outside this House, when I am not privileged : whether the punishment is for two years or one year or whether the punishment is what my Honourable friend, the Defence Secretary, would like, namely, a shot at sight I am going to say what I think is right.

In the course of this debate hard words have been spoken. I certainly have no idea to use any hard words. In fact I should like to follow the example of the Honourable the Law Member and speak as quietly and as calmly as I can. But one thing I should like to put out of my way immediately. Our Honourable friend, the Leader of the Muslim League, said and said quite rightly that he was anxious to save his neck. But as an elder, as one whom not only I but millions of my countrymen esteem, may I ask him whether he would like to save his neck by sacrificing other people's necks ? Surely men of his age will not be recruited. Will he like, I ask him as a person learned in law and in various other departments of intellectual endeavour, will he like that other people should recruit themselves and should die in air, in water and on land because his solitary neck may be saved ? No. I do not think he would like that to be done....

An Honourable Member : He wanted to save your neck also.

Mr. Sri Prakasa : I may be recruited ! Who will save my neck then ?

Mr. M. A. Jinnah : The Honourable Member is not representing me correctly. I did not mean that I wanted to save my neck only, but I wanted to say that I wanted to save the neck of my countrymen.

Mr. Sri Prakasa : I quite understand ; but how can the necks of our countrymen be saved by recruiting them and sending them to war ? The same argument applies to my Honourable friend, the Law Member. He referred, Sir, to List No. 1 and List No. 3 of some Act with which I am not familiar, but I have referred to List No. 1 of the new recruits, and I find his name leading the rest, only it is written in indelible but invisible white ink. Of course, old men are not going to be recruited, and that is why old men are most enthusiastic about war.

Sir, I should very respectfully like to remove some of the misunderstandings under which my Honourable friend,—and when I say my Honourable friend I am not merely using a parliamentary convention but

I mean what I say,—My Honourable friend, Mr. Ogilvie, is labouring. I may say straightaway, Sir, that I have personally the greatest regard for Mr. Ogilvie. I have had occasion to work with him in connection with another Bill in which I was interested, namely, the Military Manoeuvres Bill, and I found him a very sympathetic and considerate person. I want to assure him that we have no hatred for England as such. He suspects that we hate England and we would like the last Englishman to leave this country. I repeat we have no hatred for England as such. What we hate is British Imperialism. England and British Imperialism are two different things. There are many Englishmen themselves who are against British Imperialism. Does my friend mean to say that those Englishmen want every Englishman to clear out of England? No, that is not so. British Imperialism is a disease which wants the deft hands of Dr. Deshmukh to operate upon.....

Dr. G. V. Deshmukh : It is inoperable.

Mr. Sri Prakasa : We do not want that disease to come to us. Many of us, Sir, have Englishmen among our greatest friends. Many of us have had the privilege of being educated in England. Even Dr. Deshmukh sends his nephew to England. How can we possibly hate England? We do not hate England at all. Those of us who have read English literature, those of us who have revelled in English political philosophy, those of us who want English political institutions to be established in India, cannot possibly hate England; but we hate British Imperialism, and every fibre of our body hates that disease, and we will see that it is taken out.

My friend, Maulana Zafar Ali Khan, said that he feared Hindu Imperialism. If there is anything like Hindu Imperialism, he will find me fighting against that Imperialism before he himself comes in front to fight it. I hate all Imperialisms. My friend said further that he was not going to be led by the eyes by the Congress or by the nose by the Government. He says he is independent. I pray that he may keep both his eyes and nose intact, and when at division time we go separately into the 'ayes' and the 'noes' lobbies, I beg him to go out by the middle door and down the steps and far away. We shall be fully satisfied.

Then, my Honourable friend, Mr. Ogilvie, feared that we wanted the last Englishman to leave India. That is impossible. For 300 years we have had mutual associations of all sorts. In the beginning, many Englishmen married in India; latterly, many Indians are marrying in England; and when such blood ties are created, they cannot be severed. The first Englishman arrived in India in the beginning of the 17th century, if I am not mistaken, and after so many centuries of association, let Mr. Ogilvie be assured that though he himself and the members of his service always go away and never call the country that feeds them as their home and call some other country as their home, there would be many Englishmen who would like to remain in India and serve our people in an unofficial capacity to the best of their power and their intelligence. To such Englishmen I bow with affection and with gratitude.

Then, Sir, my Honourable friend also mentioned the subject of loyalty. Now, the subject of loyalty is a double-edged sword. Loyalty means that two persons swear loyalty to each other and promise to be loyal to each other. And, Sir, though

[Mr. Sri Prakasa.]

Mr. Ogilvie may feel that the oath of loyalty that we have taken deprives us of the right to oppose this Bill, I should also like to call his attention to the other part of the oath which says : ' We shall faithfully perform the duties on which we are about to enter '. May I respectfully ask my friends opposite, specially the Indian variety, to put their hands upon their hearts and say that when they march into the lobby they are faithfully discharging their duties on which they were about to enter when they took that oath ? Moreover, Sir, loyalty in this particular case is loyalty to a person, to the person of the King and not to all those who act in his name, and let me assure my friend that no harm can come to the person of the King from any Member on this side of the House.

And, Sir, my learned friend and elder, Mr. Aney, very feelingly referred to another aspect of the thing. It has been proved by recent events that India can be more loyal to the King than England, and that what the Englishman seems to love is more his Imperialism than his King or his country. In fact, I had heard when I was a boy that it was difficult to argue anyone into slavery in the English language ; but now-a-days, evidently, it is easy to argue in that same tongue speaking the borrowed jargon of Imperialism.

Now, Sir, I come to my friend, the Punjab civilian, and his maiden speech. I, Sir, almost felt that that speech was a thrice-widowed one. Sir, my friend was talking of mass contacts he has with the Punjab villages. The mass contact must be in the nature of a collision, and when, Sir, he can talk in this House in the manner he did when the world was listening to him, how must he be talking in the Punjab villages in his position as a privileged official ? I am glad in a way, Sir, that he spoke in the strain he did. I have always had the suspicion that it is the Government servant that creates communal riots. And if my friend could, in that language almost frenzied in its eloquence, appeal to some Members of the House in the name of communalism, to support the Bill, what must he be saying in the villages ? What must the Hindu official be saying to his brother Hindus ; and what must the Muslim be saying to his brother Muslims ? And when a riot takes place which they themselves create as the result of such activities on their part, they are nowhere to be seen. I think the Punjab Government will be wise to take into consideration the speech that my Honourable friend has uttered and to warn him and all their subordinates, Hindu, Muslim, Sikh or of any or no faith, that they are not to talk like this, they are not to appeal to one section of the people to go against another section when certain things are done or not done.

It is unfortunate that this great land of the Punjab has always been the hunting ground for those who are in search of mercenaries. We all know that Babar himself came to the Punjab to recruit mercenaries in order to meet his enemies in his own homeland of Fergana. And Babar found that it was easier to stay on in the Punjab than go back to his own place with mercenaries. I want very seriously to say that the Punjab should no more be the land of mercenaries, but the land of patriots ; of persons who are not going to give their blood for the sake of money but for the sake of love. I should have had no objection if my Honourable friend had introduced into the Bill some sort

of a clause to the effect that those who are recruited will be paid nothing, that they must come through sheer love of the Empire and through sheer love of fighting. That would be the proof of sincerity. But that is not so.

At this juncture, Sir, I should seriously ask the Honourable the Defence Secretary to tell me how this Act will really work. My Honourable friend, Dr. Deshmukh, has said that his nephew wanted to get into the Air Force and that somebody in authority said that he could not get in. Will this Act apply to that man who prevented my friend's nephew from getting into the Air Force? Will the man, who refuses to enlist an Indian who applies for a job in the military, be regarded as preventing a person from entering the military and will he be punished with two years, or, say, even one year of imprisonment in consequence? That question I should like my Honourable friend to answer when he gets up again. Then, Sir, what exactly is a soldier? The great English writer, George Bernard Shaw, has defined a soldier as a person who is hired to be shot. I should like to add to that definition,—that he is a person who struts about till he is shot. What purpose a soldier fulfils in social life I have yet to understand. I can understand the utility of a policeman but I cannot understand the duties of a soldier. He dresses well, he struts about as if he is the lord of everything; and when, of course, he is asked to go to fight he risks his neck.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official) : Go to the Frontier and see.

Mr. Sri Prakasa : Yes, yes. My Honourable friend is always talking of the Frontier. We have frontiers everywhere. Is there any law and order in this country? Go to the countryside. Is there anybody there to protect our men, women or children? No one. The police appear, the military appear, long after a fight has taken place, long after a murder has been committed. The ordinary villager in the field with whom I am in touch—let not my Honourable friend talk too much about the Punjab and the Frontier and the rest of it—every single villager, man, woman and even child, has to protect his or her own life at every step by the strength of his or her own arm. There is no policeman anywhere. The *thanas* are very far away, but fights take place every second day or every second moment. Little things may create a row and *gandas* and *dandas* come out at a moment's notice. The Frontier may be far away or near; but our homes are all near and dear to us; and if we in the countryside were not equipped with our sticks,—unarmed as we otherwise are—to protect our homes, the military or the police will not be anywhere there to help us.

Sir, when persons beyond the age of being recruited want other people to enlist, they should remember one or two things. When a person is actually killed in war there are his widow and his children to take care of. My Honourable friend, the Civilian from the Punjab, said that the Punjab were dying to fight. Why were they dying to fight. Because they were dying for want of bread; and they wanted bread. Nothing can condemn the British administration in India more than this, that our countryside should have been so impoverished that they cannot honestly raise from their fields sufficient for themselves and

[Mr. Sri Prakasa.]

their families ; and they wanted war, they wanted other nefarious and improper methods in order to make both ends meet. But, after all, it must be remembered that the salaries of the soldiers are to be paid by those who are still left on the fields to till. The salaries of the soldiers are not to drop from heaven ; they are not to come from any foreign lands. They have to be found here and now. A brother, who goes to war and leaves his fields, leaves them to be tilled by another brother who has to labour for both of them, and to pay for the soldier-brother besides who has gone to the war and take care of his family at home as well. Yes, these gentlemen from the Punjab—I know the variety—tell me : “ No, no. All the money we give comes back to us because there are so many soldiers who have been getting salaries and so many till the lands ”. That is the argument. Where does the money come from ? It comes, after all, from their other brothers, who may be from other parts of the country. A man must be very parochial in his outlook when he says, “ Let my village be self-sufficient and let others starve ”. My Honourable friend from the Punjab called those who go about pleading with and preaching to the people as hired persons on Rs. 10 or 20 a month. It is a funny thing that when you are hired for Rs. 2,000 a month you are a patriot, and when you are hired for Rs. 10 or 20 a month you are a mercenary ! This sort of thing cannot go down our gullets.

We have seen lots of those civilians, deputy magistrates and such other people who go about and encumber our land and make the fight for freedom such a difficult thing, because they are paid by some other people in order to keep us away. I have been through two or three non-violent fights, and it may be that I may have to go through one or two violent ones also when this Bill becomes law. I know the type with which I have to deal and that is why my heart has always been against Indianisation. However I may vote in this House, I am against Indianisation so long as a foreign power remains in my country. I shall ask my Honourable friend, the civilian, to tell me, how is it that when the people are bursting to fight, they do not fight ? What prevents them from fighting ? The martial races of the Punjab—why cannot they fight ? We want them to fight—fight proper quarters. Yes. You want fight. Well, fight. They want fight. Well let them fight. It is the easiest advice that you can give. Why do you have punitive police to prevent them from fighting ? You want fight, they want fight. Well, let all fight.

Now, Sir, just as my Honourable friend from the Punjab condemned British rule by saying that that rule has reduced us to so much penury that we cannot make sufficient bread in our own homes, so did my honoured and learned friend, Syed Ghulam Bhik Nairang, also condemn that rule.

Mr. President (The Honourable Sir Abdur Rahim) : Would the Honourable Member like to continue his speech tomorrow ?

Mr. Sri Prakasa : Yes, Sir.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th August, 1938.