

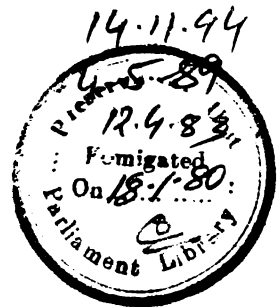
6th November 1940

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume IV, 1940

(5th November to 18th November, 1940)

TWELFTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940



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CONTENTS.

VOLUME IV.—5th November to 18th November 1940.

	PAGES.		PAGES.
TUESDAY, 5TH NOVEMBER, 1940,—		TUESDAY, 5TH NOVEMBER, 1940,—<i>contd.</i>	
Members Sworn	1—2	Certain Papers <i>re</i> Motor Vehicles Rules laid on the Table	88
Starred Questions and Answers	2—8	Motion <i>re</i> Election of a Member on the Council of the Indian Institute of Science, Bangalore	88—89
Unstarred Questions and Answers	8—19	The Repealing and Amending Bill—Introduced	89
Statements laid on the Table	19—69	The Indian Registration (Amendment) Bill—Introduced	89
Deaths of Raja Sir Vasudeva Rajah and Mr. Surryya Kumar Som	70—71	The Code of Civil Procedure (Amendment) Bill—Introduced	89—90
Motion for Adjournment <i>re</i> —		The Code of Criminal Procedure (Amendment) Bill—introduced	90
Failure of the Government of India to evoke whole-hearted enthusiasm in themation to fight the Totalitarian States—		The Indian Works of Defence (Amendment) Bill—Introduced	90
Leave refused	71—72	The Indian Navy (Discipline) Amendment Bill—Introduced	90
Dacca Mail disaster—		The Indian Navy (Discipline) Second Amendment Bill—Introduced	90—91
Negatived	73, 77—78 105—26	The Indian Merchandise Marks (Amendment) Bill—Introduced	91
Expansion of H. E. the Viceroy's Executive Council and the Constitution of War Advisory Committee—Leave refused	73—75	The Indian Companies (Amendment) Bill—Introduced	91
Non-Association of Non-Official Representative Indians with the Eastern Group Conference—Disallowed	75—76	The War Donations and Investments (Companies) Bill—Introduced	91
Refusal of permission to Mr. Bhulabhai Desai and to Mr. Asaf Ali to visit Waziristan—Leave refused	76—77	The Cantonments (Amendment) Bill—Introduced	92
H. E. the Governor General's assent to Bills	78	The Reserve Bank of India (Third Amendment) Bill—Introduced	92
Certain Home Department Documents laid on the Table	79—81	The Motor Spirit (Duties) Amendment Bill—Introduced	92
Statement <i>re</i> Net Earnings of New Railway Lines	81—82		
Certain Papers <i>re</i> the Agricultural Produce Cess Act laid on the Table	83—88		

	PAGES.
TUESDAY, 5TH NOVEMBER,	
1940,— <i>concl'd.</i>	
The Indian Income-tax (Amendment) Bill—Introduced	92—93
Finance Member's statement on the financial position	93—101, 102-03
The Indian Finance (No. 2) Bill—Introduced	101—02
Relinquishment of Simla for sittings of the Legislative Assembly	103—05
WEDNESDAY, 6TH NOVEMBER,	
1940,—	
Starred Questions and Answers	127—40
Unstarred Questions and Answers	140—44
Motion for Adjournment <i>re</i> —	
Failure to call a Session of the Legislative Assembly between the period April 9 to October 1940—Ruled out of order	145—48
Failure of Government to enable Mr. Subhas Chandra Bose to attend the Session of the Legislative Assembly—Ruled out of order	148—49
Lawlessness in Sind—Disallowed	149—50
Placing of large orders of purchases with a few individuals—Ruled out of order	150—52
Financial arrangements with His Majesty's Government <i>re</i> payment for the purchase of Materials from India—Ruled out of order	152—53
Opinions of the Honourable Member for Railways and Communications on the D'Souza Report—Disallowed	153—54
Delay in holding the Session of the Legislative Assembly—Leave refused	155

	PAGES.
WEDNESDAY, 6TH NOVEMBER,	
1940,— <i>cont'd.</i>	
Motion for Adjournment <i>re</i> — <i>cont'd.</i>	
Huge expenditure without sanction of the Legislature—Disallowed	155—56
Non-holding of the Session of the Legislative Assembly for a long time—Disallowed by the Governor General	156—57, 183
Resolution <i>re</i> —	
Fiscal Policy of the Government of India—Negatived	157—83
Appointment of a Permanent Muslim Pilgrim Officer in the Secretariat of the Government of India—Discussion not concluded	183—96
THURSDAY, 7TH NOVEMBER,	
1940,—	
Member Sworn	197
Starred Questions and Answers	197—209
Unstarred Question and Answer	209
Motion for Adjournment <i>re</i> disallowance of a motion for Adjournment by the Governor General after it was allowed by the Chair—Disallowed	210
Statement of Business	211
Nomination of the Panel of Chairmen	211
The Indian Merchant Shipping (Amendment) Bill—Referred to Select Committee	211—21
The Code of Criminal Procedure (Amendment) Bill (Amendment of section 4)—Introduced	221
The Code of Criminal Procedure (Amendment) Bill (Amendment of section 250)—Introduced	221

PAGES.

THURSDAY, 7TH NOVEMBER,
1940,—*contd.*

The Indian Evidence
(Amendment) Bill—Intro-
duced 221

The Indian Railways (Second
Amendment) Bill—Intro-
duced 222

FRIDAY, 8TH NOVEMBER, 1940,—

Starred Questions and
Answers 223—31

Unstarred Questions and
Answers 231—33

Statements laid on the Table 233—34

Election of a Member of the
Standing Finance Commit-
tee 234

The Berar Laws Bill—Intro-
duced 234—35

The Indian Railway (Amend-
ment) Bill—Introduced 235

The Excess Profits Tax
(Amendment) Bill—Intro-
duced 235

The New Delhi Mosque Bill
—Introduced 235

The Indian Works of Defence
(Amendment) Bill—Passed 236—37

The Indian Navy (Discip-
line) Amendment Bill—
Passed 237—42

The Indian Navy (Discipline)
Second Amendment Bill—
Passed 242

The Cantonments (Amend-
ment) Bill—Passed 243—47

The Repealing and Amend-
ing Bill—Passed 248—54

The Indian Registration
(Amendment) Bill—Passed 254—56

The Code of Civil Procedure
(Amendment) Bill—Passed 256—57

The Code of Criminal Pro-
cedure (Amendment) Bill
—Passed 257—58

The Indian Companies
(Amendment) Bill—Passed 258—59

The War Donations and In-
vestments (Companies)
Bill—Passed as amended 259—63

PAGES.

FRIDAY, 8TH NOVEMBER,
1940,—*contd.*

The Reserve Bank of India
(Third Amendment) Bill—
Passed 263—68

The Motor Spirit (Duties)
Amendment Bill—Passed 268—69

The Indian Merchandise
Marks (Amendment) Bill
Referred to Select Com-
mittee 270—71

MONDAY, 11TH NOVEMBER, 1940,—

Starred Questions and
Answers 273—83

Transferred Starred Ques-
tions and Answers 283—97

Election of a Member to the
Standing Finance Com-
mittee 297

The Indian Finance (No. 2)
Bill—Discussion on the mo-
tions to consider and to
circulate not concluded . 298—347

TUESDAY, 12TH NOVEMBER,
1940,—

Starred Questions and Ans-
wers 349—63

Unstarred Questions and
Answers 363—66

Statements laid on the Table 367

Election of a Member to the
Council of the Institute of
Science, Bangalore 367

The Indian Finance (No. 2)
Bill—Discussion on the
motions to consider and to
circulate not concluded . 367—422

WEDNESDAY, 13TH NOVEMBER,
1940,—

Starred Questions and Ans-
wers 423—36

Motion for Adjournment re
prohibition of visitors from
entering the Khyber Pass
—Leave to move refused . 436—38

Committee on Petitions 439

The Indian Sale of Goods
(Amendment) Bill—In-
troduced 439

	PAGES.		PAGES.
WEDNESDAY, 13TH NOVEMBER, 1940,—contd.		SATURDAY, 16TH NOVEMBER, 1940,—	
The Indian Finance (No. 2) Bill—Discussion on the motions to consider and to circulate not concluded . . .	439—92	Starred Questions and Answers . . .	561—56
FRIDAY, 15TH NOVEMBER, 1940,—		Unstarred Questions and Answers . . .	587—601
Starred Questions and Answers . . .	493—506	Motion for Adjournment <i>re</i> fall in prices of Ground-nuts—Disallowed . . .	608—09
Resolution <i>re</i> —		Presentation of the Report of the Public Accounts Committee . . .	609—101
Appointment of a Permanent Muslim Pilgrim Officer in the Secretariat of the Government of India—Withdrawn . . .	506—14	The Indian Finance (No. 2) Bill—Discussion on the motions to consider and to circulate not concluded . . .	610—53
Scrapping of the London Coffee Market Expansion Board by the Indian Coffee Cess Committee—Withdrawn . . .	514—31	MONDAY, 18TH NOVEMBER, 1940,—	
Appointment of a Committee of the Central Legislature regarding economy in war expenditure—Withdrawn . . .	531—50	Starred Questions and Answers . . .	655—98
Appointment of a Committee to examine the conditions of detenus under the Defence of India Act—Discussion not concluded . . .	550—60	Unstarred Questions and Answers . . .	698—700
		Statement laid on the Table . . .	708
		Motion for Adjournment <i>re</i> alleged occupation of Muslim <i>Idgah</i> at Burhanpur by the Military—Allowed to stand over . . .	708
		The Indian Finance (No. 2) Bill—Discussion on the motions to consider and to circulate not concluded . . .	709—63
		Statement of Business . . .	763

LEGISLATIVE ASSEMBLY

Wednesday, 6th November, 1940

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

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

ASSIGNMENT BY THE A. E. G. INDIA ELECTRIC COMPANY, LIMITED, INCORPORATED IN GERMANY, OF THEIR BUSINESS, ASSETS, ETC., TO CERTAIN PARTIES IN BOMBAY.

5. *Mr. J. D. Boyle: Will the Honourable the Commerce Member be pleased to state whether it is a fact:

- (a) that on the 29th August, 1939, the A. E. G. India Electric Company, Limited, a Company incorporated in Germany, entered into an agreement with Martha Bertsch of Bombay, a Swiss inhabitant, Eugen Hemmer of Bombay, a British inhabitant and Jeejeebhoy Nanabhoy Marshall of Bombay, a Parsi inhabitant, whereby the latter parties agreed to pay and discharge debts, liabilities and obligations of the Company to the extent of Rupees three lacs and no more, in consideration of the transfer to them of the Company's goodwill, plant, machinery, stock-in-trade, book and other debts, goods, furniture and all other assets and property of the Company in India;
- (b) that the reason given in the Indenture of Sale for closing down the business of the A. E. G. India Electric Company, Limited, and the disposal of its assets, was recorded as being the impending hostilities between Great Britain and Germany;
- (c) that the Controller of Enemy Property in Bombay objected to the transfer being made and passed orders cancelling the Deed of Assignment; and
- (d) that despite this recommendation from the Controller of Enemy Property in Bombay, the Government of India recognised the transfer of this Company's assets and allowed the new partnership firm to trade free of any supervision from Government?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudalliar: (a) to (d). The position stated by the Honourable Member is substantially correct.

Mr. J. D. Boyle: With reference to part (a), is it a fact that if the deed of assignment had not been made, the assets and liabilities of this company would have vested in the Custodian of Enemy Property?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That is so.

Mr. J. D. Boyle: Have Government got any reason which would explain why the German Company was prepared to hand over the assets of the company with no *quid pro quo* to the employees of the company, when by having it vested in the Custodian of Enemy Property, at the close of hostilities they might have stood to gain something back?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The deed of assignment is a long document and I believe it contains a *quid pro quo*. In any case that document has been the subject of investigation and study by the best legal advisers of the Government and their advice is that the agreement is valid.

Mr. J. D. Boyle: What I was trying to get at is this. The A. E. G. Co., Ltd., have a lot of machinery in this country. It is in operation in big mills in the Bombay Presidency. By keeping this company going, with its machinery still there, the transfer would merely enable the company to keep this concern warm until the end of hostilities, when they can return to it.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That is exactly the question that was referred to the legal advisers and they were of opinion that the agreement was not a fictitious transaction or a colourable transaction and Government are bound to respect the opinion of their legal advisers.

Sir Cowasji Jehangir: May I ask, if the Custodian of Enemy Property had got the assets of this company, would he not also have supplied the customers of the old German Company with such material and machinery as may have been in stock in India at the time and is that not being done with other German companies whose assets are now under the control of the custodian?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That is perfectly true, but we had to act according to the Defence of India Act which says that if on the outbreak of war, that is the 2nd of September, the concern is an enemy firm, then the property of that firm vests in the Controller of Enemy Property, but this firm, on that date, according to our legal advisers, was not an enemy firm, and that is the narrow point that has to be considered from the technical and legal aspect of the question.

Sir Cowasji Jehangir: Whatever happened, the circumstances would have been the same today, so far as the clients of the old company were concerned. Whether the Controller supplies the goods or this new company supplies the goods, it makes no difference to my Honourable friend behind me.

Maulana Zafar Ali Khan: I should like to know whether the Government of India are anxious to erect a fifth column with their own hands in Bombay.

Mr. J. D. Boyle: May I ask one more supplementary question? I do not doubt the opinion given to the Honourable Member by the legal advisers of Government, but is there no means of stopping transactions

of this kind, under the Defence of India Act, whereby an enemy can transfer his business to a new partnership firm only five days before the outbreak of the war?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can answer that question generally and not with specific reference to this particular company for obvious reasons. If, in the course of business, it comes to the notice of Government that the transfer, though legal in form, works out in practice as a colourable transaction, Government have got the power and would use the power by resuming control of that property.

Mr. J. D. Boyle: I take it that Government saw no difficulty or danger in allowing this to continue.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That must be the implication.

Sir Cowasji Jehangir: Is it an Indian company or an European company?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am answering that a little later.

Mr. Lalchand Navalrai: Has the present company to which the business has been transferred any interest in Germany now with regard to the assets?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Presumably not.

Dr. Sir Ziauddin Ahmad: In view of the fact that the Germans knew much earlier that war was coming on and some bogus transactions were made, may I know whether Government made enquiries whether this transaction was a bogus one?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: It must be obvious that we made inquiries on that point.

ASSIGNMENT BY THE A. E. G. INDIA ELECTRIC COMPANY, LIMITED, INCORPORATED IN GERMANY, OF THEIR BUSINESS, ASSETS, ETC., TO CERTAIN PARTIES IN BOMBAY.

6. *Mr. J. D. Boyle: Will the Honourable the Commerce Member be pleased to state whether it is a fact:

- (a) that the three parties mentioned in the preceding question are now trading under the name of A. E. G. Electric Company, in Bombay;
- (b) that these parties were employees of the A. E. G. India Electric Company, Limited, incorporated in Germany; and
- (c) that the new company was compelled by agreement to employ the same solicitors in Bombay as were employed by the late company?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes, Sir.

(b) Government understand that two of the partners were employees and one was an agent.

(c) There is a clause to that effect in the Deed of Assignment.

ASSIGNMENT BY THE A. E. G. INDIA ELECTRIC COMPANY, LIMITED, INCORPORATED IN GERMANY, OF THEIR BUSINESS, ASSETS, ETC., TO CERTAIN PARTIES IN BOMBAY.

7. *Mr. J. D. Boyle: (a) Will the Honourable the Commerce Member be pleased to state the nature of the debts and obligations taken over by the new A. E. G. Electric Company of Bombay?

(b) What is the total amount of the company's book debts and what proportion of those debts may be considered good?

(c) What amount of the debts has so far been collected by the new company?

(d) What was the book value of the stock and other assets taken over by the new company?

(e) To whom will any surplus, if realised, belong?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

(a) to (e). Government do not consider that they should disclose matters which relate to the affairs of a private concern.

Mr. J. D. Boyle: The object of the question has been practically answered by you in some degree in reply to the supplementaries to question No. 5. The point I want to elicit is whether in fact the new company did pay anything to the old company for taking over the assets of the old company?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

The Agreement contains all the conditions under which the transfer took place and the legal advisers are of opinion that the agreement is valid, that is to say, that there is a consideration for the agreement.

Mr. Muhammad Azhar Ali: With regard to these questions, may I know whether Government cannot separate the legal aspect from the political aspect?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:

There is no political aspect at all.

Mr. Muhammad Azhar Ali: Suggestions were made about the fifth column.

DELAY IN HOLDING THE AUTUMN SESSION OF THE LEGISLATIVE ASSEMBLY.

8. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Leader of the House please state why the meeting of the Legislative Assembly was not held in the month of September as in previous years?

(b) In view of the extraordinary world situation, did Government consider the desirability of early consultation with the Members of the Legislature?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The exigencies of what the Honourable Member refers to as the extraordinary

world situation may have precluded the holding of a Session of the Legislative Assembly in September. He may take it that all relevant factors must have received due consideration at the hands of His Excellency the Governor General in coming to his decision.

Dr. Sir Ziauddin Ahmad: May I know whether the considerations created by the war were more emergent in the month of September than they are now, when we have got the Eastern Group Conference?

The Honourable Sir Muhammad Zafrullah Khan: That is a matter of opinion.

Dr. Sir Ziauddin Ahmad: The Honourable Member said that on account of the political situation the Assembly could not be held in September. I ask what are the political circumstances now, and how have they changed since September. If this argument holds good, we shall never have an Assembly Session at all.

The Honourable Sir Muhammad Zafrullah Khan: I neither mentioned the political situation nor made any reference to any political situation.

Sir Muhammad Yamin Khan: The question is, why it was not held in Simla as usual. There is no insinuation. Usually the meetings are convened in Simla in September. This year it has been convened in November, that is more than two months after the usual period. What was the reason why the Session was not held in Simla in September and had been postponed by two months?

The Honourable Sir Muhammad Zafrullah Khan: There is no question of Simla or Delhi, and I believe the Honourable Member who put the question is himself protesting against any reference to Simla, but all sorts of considerations might have influenced His Excellency's mind in calling the Session later rather than earlier, and I have said that the consideration referred to in part (b) of the question might itself have been one of the main factors.

Sardar Sant Singh: What are the considerations? That is the question.

The Honourable Sir Muhammad Zafrullah Khan: I do not know all the considerations that influenced the Governor General's mind in calling the Session in November.

Sir Muhammad Yamin Khan: Was the Honourable Member not consulted for the purpose of convening a Session of the Assembly?

The Honourable Sir Muhammad Zafrullah Khan: That scarcely arises out of this question. I have raised this point on previous questions, and it arose on adjournment motions also. In no case can it be disclosed to Honourable Members what consultations take place between the Governor General and the Members of the Executive Council, particularly with regard to matters which are entirely within the discretion of the Governor General when the decision must be his decision.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wanted to know not what consultation took place, but whether the Governor General sought his advice; that was perhaps the question.

The Honourable Sir Muhammad Zafrullah Khan: Even that I am not prepared to disclose, not that there could be any doubt with regard to these matters generally, but, once the principle is admitted, one would have on each occasion to say whether one was consulted or not, and that is a matter which cannot be disclosed.

Sir Muhammad Yamin Khan: My question is clear, *viz.*, in those matters where this House is directly concerned and which concern the procedure of this House, I want to know whether there the Government of India, as such, are consulted by the Governor General. I take it the Governor General has only got to issue the orders for convening a meeting, but really the decisions are taken by the Government of India, in consultation with the Honourable the President, as to when a Session is to be held and what the business is going to be. Now, having regard to these points, was the Honourable Member consulted on the point as to whether a meeting would be held in September or not, and, if so, what advice was given by him? I should like to know whether the Honourable Member was consulted and whether there were certain considerations in the mind of the Government of India or not.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member was not correct in stating that the decision had to be arrived at by the Government of India; the decision had to be arrived at by the Governor General. It is one of those matters which he decides at his discretion and it is open to him to consult the Government of India to whatever extent he likes,—(Interruption)—may I finish—and to come to his own decision on the matter; and I must again repeat that I am unable to inform the House what consultations if any have taken place and what was the advice given or whether any consultation did or did not take place.

Pandit Lakshmi Kanta Maitra: Will the Honourable Member kindly enlighten us as to whether, as a matter of fact, advice is actually tendered to His Excellency the Governor General? I do not want to know what advice is tendered, but I want to know the constitutional position, *viz.*, whether the Members of the Executive Council of the Governor General do tender any advice to the Governor General.

The Honourable Sir Muhammad Zafrullah Khan: They tender advice on all sorts of matters on which they are asked to tender advice.

Pandit Lakshmi Kanta Maitra: Including this particular matter concerning a Session of this Assembly?

The Honourable Sir Muhammad Zafrullah Khan: I have answered that. In matters which are the business of the Governor General alone it is for him to decide whether, in order to enlighten his own mind and in order to have all the considerations affecting the matter before him, he will or he will not consult his Council or the Members of his Council or anybody else that he chooses to consult over the matter, but that is

purely for him to decide. There is no obligation upon the Council to tender advice on matters which are within the discretion of the Governor General.

Sardar Sant Singh: Sir, on a point of order, I say the question has been repeatedly put about this particular instance and I do not know why it has not been answered. Is it open to the Leader of the House to evade the question?

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

Sir Cowasji Jehangir: May I know whether Simla has been given up for good so far as this Assembly is concerned?

The Honourable Sir Muhammad Zafrullah Khan: This does not arise.

Mr. President (The Honourable Sir Abdur Rahim): Yes, it does not arise.

Sir Cowasji Jehangir: May I know whether the Government are prepared to come to Delhi whenever it is necessary to hold a meeting or Session of the House whatever the time of the year it may happen to be?

The Honourable Sir Muhammad Zafrullah Khan: Wherever a Session of the Assembly is summoned by the Governor General, there the Government of India will go.

Dr. P. N. Banerjee: Is it not a fact that the British Parliament has been in almost continuous session since the commencement of the war?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise out of this question.

Mr. President (The Honourable Sir Abdur Rahim): Yes, that does not arise.

Pandit Lakshmi Kanta Maitra: I raised a specific question and I want a specific reply. I want to know from the Honourable the Leader of the House whether it is a fact that he tendered any advice to His Excellency the Governor General with regard to this particular Session of this House.

The Honourable Sir Muhammad Zafrullah Khan: I have tried to explain that the Honourable Member is not entitled to know that.

Mr. M. S. Aney: On a point of order, on the point if he *was* consulted, he may be within the privilege of not disclosing that fact and the nature of the advice, but has he got the privilege of not admitting or denying the fact that he was consulted or not?

Mr. President (The Honourable Sir Abdur Rahim): I have had occasion to point out more than once that I cannot compel a Member of the Government to satisfy by his answer any particular Member. A Member of Government is at liberty to give any answer he considers appropriate.

Mr. Muhammad Azhar Ali: Is it within the knowledge of the Honourable Members of this Executive Council that the Honourable the President of the Assembly was consulted in this matter?

The Honourable Sir Muhammad Zafrullah Khan: I have already said that the Honourable Member is not entitled to know that—certainly not from me.

Sardar Sant Singh: May I know if the Leader of the House has been consulted in this matter or not?

The Honourable Sir Muhammad Zafrullah Khan: That is what I have declined to answer.

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

INDIGNITIES SUFFERED BY INDIAN LASCARS IN SOUTH AFRICA.

9. ***Mr. Lalchand Navalrai:** (a) Will the Secretary for Education, Health and Lands be pleased to state if his attention has been drawn to the news published by the Associated Press, Bombay, on the 12th September, 1940, under the caption "Indignities in South Africa, Indian Lascars Imprisoned"?

(b) Is the Honourable Member prepared to make a statement on what Mr. Kurup, the President of the Indian Workers Emigrants League, has stated with regard to the indignities suffered by the Indian lascars and their being put to greater exploitation?

(c) What steps do Government propose to take and what guarantees do they ask for against such a treatment?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

(b) The incident to which Mr. Kurup refers is probably the prosecution of the lascar crew of the S. S. "Baron Scott". The Government of India are informed that these men were found guilty of continued wilful disobedience of orders and sentenced to a short term of imprisonment at Durban under the Merchant Shipping Act. Of the 22 seamen convicted, 18 pleaded guilty to the charge.

(c) Does not, therefore, arise.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether it was within their rights to offer any indignities whatever to these men (part one of the question)?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No one has got the right to offer any indignity to any other person in this world.

Mr. Lalchand Navalrai: May I know whether any indignities were offered or not in this case?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: To the best of my knowledge, no indignities were offered.

Mr. Lalchand Navalrai: May I know if the Honourable Member has made inquiries about it or not or the Honourable Member is simply presuming? If so, will the Honourable Member make inquiries so that there may not be any recurrence of such indignities?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, inquiries have been made by the Agent General in South Africa to whom certain complaints were made, and inquiries will be made as regards any indignities on certain specific complaints when these lascars reach Calcutta or an Indian port.

Mr. Govind V. Deshmukh: What is the nature of the indignities offered to these men?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Honourable Member who has put the question refers to an article which contains the nature of the complaint. The nature of the complaint is that they were not entitled to be transferred to this S. S. "Baron Scott". They were transferred from one ship to another. One of the complaints was that they were not required to be transferred to this particular vessel. The reply I have got is that they signed on an agreement for twelve months to serve in any vessel which would go to India and that, therefore, there was no substance in that complaint. That was the main reason why they declined to pursue their voyage and they were prosecuted under the Merchant Shipping Act.

Mr. M. S. Aney: What is the indignity?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That I cannot understand.

Mr. Govind V. Deshmukh: Was that the only complaint?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: That is the only complaint for which they have been prosecuted.

Mr. N. M. Joshi: May I ask whether, under the Indian Merchant Shipping Act, lascars are asked to sign agreements to be transferred to any part of the world or to any ships belonging to the same owner or whether there are any limitations under the agreement?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Am I to understand that it is a general legal question that the Honourable Member wants me to answer, or is it with reference to this particular question?

Mr. N. M. Joshi: As regards the particular question under discussion, the Honourable Member told us that they had made an agreement to serve on any ship belonging to any company?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I said on any ship that would travel back from the United Kingdom to an Indian port belonging to the same company.

Mr. N. M. Joshi: The Honourable Member did not say that. May I ask whether the Government of India have considered the question that a lascar can be asked to sign an agreement to be transferred as if the lascar was not a human being and to serve under any master, and whether the Government of India agree that it is a right thing to do, because I

feel that the Government of India must have considered that to ask a human being to be transferred to another person as if it was a chattel is a wrong thing and is considered to be slavery?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: All this indignation is understandable by me. The lascars sign certain agreements before they are taken on. There are in some cases limited agreements. *What the limitation is refers to the voyages and the country to which they can go.* Within the management of the same company transfer from one ship to another is one of the most natural transfers that takes place and I fail to see where the question of slavery comes in as the master is the same master, the Managing Agent of the same Company.

Mr. N. M. Joshi: May I ask whether the Government of India have considered whether under the British Merchant Shipping Act a seaman can be transferred from one ship to another without the consent of the seaman himself?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: In any case, this agreement is an agreement which is entered into by the Indian lascar whereby he agrees to be transferred from one ship to another of the same Company.

Mr. N. M. Joshi: May I ask whether the Government of India is aware that there are certain agreements which on account of their being against the public policy are wrong?

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

ALLOTMENT OF DUFFRIES' QUARTERS IN NEW DELHI.

10. *Maulana Zafar Ali Khan: (a) Will the Honourable the Labour Member be pleased to state the total number of Duffry's quarters in New Delhi available for allotment during the winter seasons 1926-27, 1930-31, 1936-37, 1938-39, 1939-40 and 1940-41?

(b) How many of them were allotted by the Estate Office to the dufftries and record lifters of the Director General, Posts and Telegraphs' Office, during each year mentioned in part (a) above?

(c) How many dufftries and record lifters were left unprovided for?

(d) Has there been gradual decrease in the number of quarters allotted each year? If so, what is the reason for such decrease?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) to (c). The information relating to the years 1926-27 and 1930-31 is not available as the records have been destroyed. A statement giving the information required in respect of the years 1936-37 and 1938-39 to 1940-41 is laid on the table.

(d) Yes. The Dufftries' quarters are allotted on a *pro rata* basis. If the total demand of all Departments for them increases, the number falling to the share of a particular Department, proportionately decreases. The total demand has been gradually increasing and accordingly there

has been a gradual decrease in the number of quarters allotted to the Director General, Posts and Telegraph's office.

Statement.

	1936-37.	1938-39.	1939-40.	1940-41.
1. Total No. of Duffries quarters available for allotment.	220	234	234	234
2. No. of quarters allotted to Duffries and Record lifters of the Director General, Posts and Telegraphs office.	21	17	13	9
3. No. of Duffries and Record lifters to whom quarters were not allotted.	7	9	15	16

ALLOTMENT OF PEONS' QUARTERS IN NEW DELHI.

11. ***Maulana Zafar Ali Khan:** (a) Will the Honourable the Labour Member be pleased to state the total number of Peon's quarters in New Delhi available for allotment during the winter seasons 1926-27 to 1940-41?

(b) How many of them were allotted by the Estate Office to the peons of the Director General, Posts and Telegraphs' Office, during each year mentioned in part (a) above?

(c) How many peons were left unprovided for?

(d) Has there been a gradual decrease in the number of quarters allotted each year? If so, what is the reason for such decrease?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) to (c). The information relating to the years 1926-27 to 1931-32 is not available as the records have been destroyed. A statement giving the information required in respect of the years 1932-33 to 1940-41 is laid on the table.

(d) No. It does not, therefore, arise.

Statement.

	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.	1938-39.	1939-40.	1940-41.
1. Total No. of Peons' quarters available for allotment.	964	976	984	1,134	1,134	1,134	1,134	1,134	1,134
2. No. of quarters allotted to Peons of the D. G. P. & T.'s office.	6	3	3	3	3	3	3	3	3
3. No. of Peons to whom quarters were not allotted.	20	..	..	..	..	..	1	4	4

Mr. Lalchand Navalrai: May I ask if they get anything by way of rent if no quarters are allotted to them?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I should like to have notice of that question.

STANDARD AND GRADATIONS OF GHEE ADOPTED BY THE GOVERNMENT OF INDIA.

12. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Law Member please state what the meaning is of gradation in ghee?

(b) How many grades have the Government of India adopted in ghee?

(c) Is it not a fact that the standard and gradations are different in different provinces, and that the Food Adulteration Acts of various provinces do not tally?

(d) Have the Government of India fixed its standard by testing raw ghee or wild ghee?

(e) What is the quantity on which these experiments are made?

(f) Has the attention of the Government of India been drawn to the quantity of ghee exported from Gantur (Madras Presidency)?

(g) Is it not a fact that the total quantity exported from Gantur is more than the total quantity of milk which the cattle of Gantur can yield?

(h) What materials are used in Gantur to produce the so-called ghee?

(i) Have the Government of India satisfied themselves that they can purchase pure ghee from the United Provinces? If so, are they prepared to undertake to purchase pure ghee for the Members of the Assembly?

(j) What steps, if any do the Government of India propose to take to stop adulteration?

Mr. J. D. Tyson: (a) and (b). Under the Agricultural Produce (Grading and Marking) (Ghee) Rules, 1938, packers may use the "Agmark" label on ghee having the qualities prescribed in the rules. Under the rules two grades are prescribed *viz*: "Special" and "General"; under "Special" provision is made for two types of ghee,—"Cow" and "Buffalo".

(c) and (j). Prevention of adulteration of foodstuffs is a provincial subject under item 30 of Part II of the Seventh Schedule to the Government of India Act, 1935. The standards prescribed for pure ghee under the Provincial Food Adulteration Acts are not uniform. This question was examined by an *ad hoc* Committee of the Central Advisory Board of Health. The report of the Committee was adopted by the Board at its meeting held in Poona in July last. Efforts are being made on the basis then accepted to secure uniformity in the standards prescribed under the Provincial Acts.

(d) The phrase "wild ghee" is not understood. Government fixed the standards for "Agmark" ghee in consultation with the producers and the trade after testing both raw and refined ghee.

(e) The numbers of ghee samples so far analysed under the "Agmark" scheme are:

Raw ghee—200.

Refined ghee—9500 (approximately).

The latter represents a total quantity of more than 1½ lakh maunds sampled. The minimum quantity of each sample is six oz.

(f) Yes.

(g) No.

(h) In Guntur as elsewhere pure ghee is made from milk fat.

(i) Yes. The Honourable Members of this House can purchase their requirements of "Agmark" ghee in the market without the intervention of Government.

Dr. Sir Ziauddin Ahmad: My question was with reference to the purchase of *ghee* by the Government of India. In view of the fact that it is not possible to purchase good *ghee* in any market in the United Provinces, may I ask why the Government of India are paying higher prices for the adulterated *ghee*?

Mr. J. D. Tyson: The Department for which I speak is not a purchaser of *ghee* at all.

Dr. Sir Ziauddin Ahmad: May I ask the Law Member to reply this question?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member expect me to answer a supplementary question on a question which ought to be answered by another Department?

Dr. Sir Ziauddin Ahmad: In view of the fact that it is humanly impossible to purchase pure *ghee* in the United Provinces

The Honourable Sir Jeremy Raisman: Not even the *wild ghee* in the savage state!

Dr. Sir Ziauddin Ahmad: . . . may I ask why the Government of India are purchasing the adulterated *ghee* from the markets of Khurja, Chandausi, Hathras and other places and paying the price of pure *ghee* when it is not pure?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had better put down a question to that effect and I shall try to give a reply.

DESIRABILITY OF ENLARGING THE APPELLATE JURISDICTION OF THE FEDERAL COURT.

13. ***Dr. P. N. Banerjea:** (a) Will the Honourable the Leader of the House please state whether the attention of Government has been drawn to the decision of the Judicial Committee of the Privy Council in *Horiram Singh versus King-Emperor* reported in the *All India Reporter* 1940 Privy Council 54, which makes the appellate decisions of the Federal Court final for all practical purposes?

(b) Are Government aware that important questions of constitutional law have been raised in appeals in the Federal Court whose decisions are practically final according to the Privy Council ruling?

(c) Do Government propose to remove the anomaly that, while practically final decisions are given by the Federal Court in appeals involving important questions of constitutional law, appeals under ordinary civil law must be taken to a higher tribunal, namely, the Judicial Committee of the Privy Council? If so, how?

(d) Are Government aware of the dissatisfaction among the litigant public that there should be two forums for final appeals, and that while a few can get their appeals decided in India, others are forced to go to England?

(e) Are Government prepared to consider the advisability of bringing into operation section 206 of the Government of India Act, 1935, and investing the Federal Court with the powers permissible under that section with the least possible delay?

The Honourable Sir Muhammad Zafrullah Khan: The question should have been addressed to the Honourable the Home Member.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF COMMITTEES OF PILGRIMS AND *AMIR-UL-HAJ* BY PORT HAJ COMMITTEES ON PILGRIM SHIPS.

28. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands please state whether Port Haj Committees can appoint committees of pilgrims or *Amir-ul-Haj* on pilgrim ships leaving their ports?

(b) Are any such appointments made on ships returning back from Jeddah full of pilgrims? If so, who makes those appointments?

(c) How many committees and *Amir-ul-Haj* were appointed during the last two years?

(d) Did they submit any reports making suggestions for the improvements in shipping arrangements?

(e) If so, how many of their suggestions have been accepted by Government and how many rejected?

Mr. J. D. Tyson: (a) Yes.

(b) Appointments are made by His Majesty's Legation at Jeddah.

(c) 82 *Amirs-ul-Haj*. No Committees of pilgrims were appointed.

(d) Yes.

(e) Reports of the *Amirs-ul-Haj* are examined by the Port Haj Committees who forward to the Government of India their recommendations. These recommendations are scrutinised by the Government of India and action is taken where this is possible and justified: if they relate to matters of policy, the Standing Haj Committee is consulted before appropriate action is taken. In view of the practice just described, the report of each *Amir-ul-Haj* is not separately examined by the Government of India and it is not, therefore, possible to comply with the Honourable Member's request.

APPOINTMENT OF MUSLIM STAFF ON INDIAN PILGRIM SHIPS.

29. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands please state whether any provision has been made in the Indian Pilgrim Ship Rules that shipping companies should appoint Muslim staff on their pilgrim ships?

(b) If the answer to part (a) be in the affirmative, how many Muslims and non-Muslims are employed on the ships of the Mogul Line?

(c) Are Government aware that there is a keen demand for nurses on pilgrim ships? If so, what steps have Government taken to compel the shipping company to employ such nurses?

(d) Is it one of the functions of the Port Haj Committee to provide Muslim staff for employment on board the pilgrim ships?

(e) If the answer to part (d) be in the affirmative, on how many occasions have the services of the Committees been utilised by the Mogul Line?

Mr. J. D. Tyson: (a) The attention of the Honourable Member is invited to sub-rule (1) of rule 84, sub-rules (2), (4) and (5) of rule 156 and rule 165 of the Indian Pilgrim Ships Rules.

(b) 527 Muslim and 472 non-Muslim crew.

(c) Yes. The matter is under examination.

(d) Yes.

(e) Figures are not available but the Bombay Port Haj Committee frequently sends to Messrs. Turner, Morrison & Co., Muslims for employment and if there are vacancies and the applicants are found suitable they are invariably employed.

SHIPPING ARRANGEMENTS FOR THE NEXT HAJ PILGRIMAGE.

30. Khan Bahadur Shaikh Fazl-i-Haq Piracha: Will the Secretary for Education, Health and Lands please state whether Government have under consideration the question of shipping arrangements for Indian pilgrims who wish to perform the next Haj Pilgrimage? Do Government propose to consult the Port Haj Committees in the matter?

Mr. J. D. Tyson: The attention of the Honourable Member is invited to the press communique, dated the 31st October, 1940. Government propose to consult the Port Haj Committees as and when occasion arises.

RATIFICATION OF THE INTERNATIONAL SANITARY CONVENTION OF PARIS.

31. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands please state whether the Government of India have ratified the International Sanitary Convention of Paris, 1926?

(b) If the answer to part (a) be in the negative, are Government under any obligation to comply with its provisions?

(c) If the answer to part (b) be in the affirmative, have Government arranged any quarantine stations or hospitals at the ports in this country for dealing with cases of infectious diseases mentioned in the Convention?

(d) Do Government charge any fee from outgoing and incoming passengers for the maintenance of those institutions?

(e) If the answer to part (d) be in the negative, is not the cost met from Government funds?

(f) If the answer to part (e) be in the affirmative, are Government prepared to apply the same principle to the quarantine arrangements at Kamaran and discontinue the fee which is at present taken from pilgrims?

Mr. J. D. Tyson: (a) and (b). The Government of India have not ratified the International Sanitary Convention of 1926 and are therefore under no legal obligation to enforce its provisions, but, in practice, the requirements of the Convention are followed as far as possible.

(c) and (e). Arrangements for dealing with cases of infectious diseases mentioned in the Convention exist at the provincial hospitals maintained at ports. The Government of India do not incur any expenditure on these arrangements except at Karachi Air Port where they maintain an isolation hospital for cases of yellow fever. This hospital is not maintained under the Convention but because of the imperative need of protecting India from the incursion and ravages of a highly dangerous disease.

(d) No.

(f) Kamaran dues are levied in accordance with the Anglo-Dutch Agreement and not in pursuance of the International Sanitary Convention.

SHIPPING FARES FROM INDIAN PORTS TO JEDDAH AND LOW SPEED OF CERTAIN PILGRIM SHIPS.

32. Khan Bahadur Shafik Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands please state the fares charged by shipping companies for their pilgrim ships from Indian ports to Jeddah and back during the last four years?

(b) Will the Honourable Member please state the speed of pilgrim ships of the Mogul Line?

(c) Have Government received any complaints about the low speed of those ships?

(d) If the answer to part (c) be in the affirmative, what action has been taken to improve their speed?

Mr. J. D. Tyson: (a) A statement showing the maximum steamer fares fixed by the Shipping Companies concerned during the past four pilgrim seasons is appended.

(b) The speeds of pilgrim ships of the Mogul Line are as follows:

<i>Name of vessel.</i>	<i>Contract speed.</i>	<i>Speed on trials.</i>
"Islami"	11½ knots.	14.1 knots.
"Rizwani"	11 "	13.0 "
"Rahmani"	11 "	12.9 "
"Khosro"	11 "	12.9 "
"Akbar"	11 "	13.2 "
"Alavi"	10½ "	12.9 "
"Jehangir"	10½ "	12.6 "

(c) Yes.

(d) The possibility of taking any action is under examination.

*Statement showing the maximum fares charged by Shipping Companies.**1936-37 and 1937-38 pilgrim seasons.*

		Single with food.	Return with food.
		Rs. A. P.	Rs. A. P.
From Bombay to Jedda	{ First class	412 0 0	626 0 0
	{ Second class	287 0 0	451 0 0
	{ Deck	118 0 0	178 0 0
From Karachi to Jedda	{ First class	400 0 0	602 0 0
	{ Second class	275 0 0	427 0 0
	{ Deck	115 0 0	172 0 0
From Calcutta to Jedda	{ First class	449 0 0	700 0 0
	{ Second class	324 0 0	525 0 0
	{ Deck	147 0 0	231 0 0

For children under 10 years of age these fares were reduced by the following amounts on account of food charges :

		Single.	Return.
		Rs. A. P.	Rs. A. P.
From Bombay	{ First class	19 8 0	39 0 0
	{ Second class	19 8 0	39 0 0
	{ Deck	5 0 0	10 0 0
From Karachi	{ First class	13 8 0	27 0 0
	{ Second class	13 8 0	27 0 0
	{ Deck	3 8 0	7 0 0
From Calcutta	{ First class	25 8 0	51 0 0
	{ Second class	25 8 0	51 0 0
	{ Deck	7 0 0	14 0 0

1938-39 pilgrim season :

		Single with food.	Return with food.
		Rs. A. P.	Rs. A. P.
From Bombay	{ First class	407 0 0	621 0 0
	{ Second class	282 0 0	446 0 0
	{ Deck	113 0 0	173 0 0
From Karachi	{ First class	395 0 0	597 0 0
	{ Second class	270 0 0	422 0 0
	{ Deck	110 0 0	167 0 0
From Calcutta to Jedda (and back to Calcutta in case of return fare).	{ First class	444 0 0	695 0 0
	{ Second class	319 0 0	520 0 0
	{ Deck	142 0 0	226 0 0
From Calcutta to Jedda and back to Bombay.	{ First class . . . . .	..	658 0 0
	{ Second class . . . . .	..	483 0 0
	{ Deck . . . . .	..	199 8 0
From Calcutta to Jedda and back to Karachi.	{ First class . . . . .	..	646 0 0
	{ Second class . . . . .	..	471 0 0
	{ Deck . . . . .	..	196 8 0

For children under 10 years of age these fares were reduced by the following amounts on account of food charges :

		Single.	Return.
		Rs. A. P.	Rs. A. P.
From Bombay	{ First class . . .	19 8 0	39 0 0
	{ Second class . . .	19 8 0	39 0 0
	{ Deck . . .	5 0 0	10 0 0
From Karachi .	{ First class . . .	13 8 0	27 0 0
	{ Second class . . .	13 8 0	27 0 0
	{ Deck . . .	3 8 0	7 0 0
From Calcutta	{ First class . . .	25 8 0	51 0 0
	{ Second class . . .	25 8 0	51 0 0
	{ Deck . . .	7 0 0	14 0 0

1939-40 pilgrim season.

		Single.	Return.
		Rs. A. P.	Rs. A. P.
From Bombay	{ First class . . .	..	621 0 0
	{ Second class . . .	..	446 0 0
	{ Deck . . .	..	173 0 0
From Karachi .	{ First class . . .	..	597 0 0
	{ Second class . . .	..	422 0 0
	{ Deck . . .	..	167 0 0

For children under ten years of age these fares were reduced by the following amounts on account of food charges :

		Single.	Return.
		Rs. A. P.	Rs. A. P.
From Bombay	{ First class . . .	..	39 0 0
	{ Second class . . .	..	39 0 0
	{ Deck . . .	..	10 0 0
From Karachi .	{ First class . . .	..	27 0 0
	{ Second class . . .	..	27 0 0
	{ Deck . . .	..	7 0 0

NOTE.—During the 1936-37 and 1939-40 pilgrim seasons the Scindia Steam Navigation Company did not operate.

GRANT OF ALLOWANCES TO NON-RESIDENT MEMBERS OF THE PORT HAJ COMMITTEES FOR ATTENDING MEETINGS.

33. Khan Bahadur Shaikh Fazl-i-Haq Piracha: (a) Will the Secretary for Education, Health and Lands please state whether any members of the three Port Haj Committees belong to places other than the ports concerned?

(b) If the answer to part (a) be in the affirmative, are those members given any travelling and subsistence allowances for attending meetings of the Committees?

(c) If the answer to part (b) be in the negative, are Government prepared to grant them suitable allowances?

Mr. J. D. Tyson: (a) Yes.

(b) and (c). No.

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Thirumala Rao has given notice of a motion for adjournment.

Honourable Members: He is not here.

FAILURE TO CALL A SESSION OF THE LEGISLATIVE ASSEMBLY BETWEEN THE PERIOD APRIL 9 TO OCTOBER 1940.

Mr. President (The Honourable Sir Abdur Rahim): The next motion for adjournment stands in the name of Pandit Lakshmi Kanta Maitra. He wants to discuss a definite matter of urgent public importance, namely:

"Callous indifference of the Government to Indian public opinion as evinced by its failure to call a Session of this Assembly during the period commencing from April 9, 1940,—the date of German invasion of Denmark to the end of October, 1940, when momentous events vitally affecting the interests of India as a belligerent country in the war were taking place and during which the British Parliament had been in almost continuous session."

Is there any objection to it?

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): Sir, I object to the motion. As I pointed out yesterday, the Legislature is summoned by His Excellency the Governor General. It is not summoned by the Government of India or by the Government as is stated in the motion. Obviously if the motion were to be discussed the matter under discussion would be the failure of the Governor General to call the House earlier.

Mr. President (The Honourable Sir Abdur Rahim): Do I understand the Honourable Member to contend that the Government of India are not concerned in the matter?

The Honourable Sir Muhammad Zafrullah Khan: It is not primarily the concern of the Government of India. The motion says "by its failure", that is to say, the Government's failure to call a Session of the Assembly and I wish to point out that that is a mis-statement of the position. It is not the Government which calls the Session.

Mr. President (The Honourable Sir Abdur Rahim): The Government of India may not call a Session, but I suppose what the Honourable Member has in mind is that there ought to have been a Session during that period.

The Honourable Sir Muhammad Zafrullah Khan: What I am respectfully submitting is that the matter then under consideration would be that the Governor General ought to have summoned the Legislature and the matter under discussion would be the failure or the omission of the Governor General to call the Session. The Honourable Member cannot get away from that. There is no responsibility laid upon the Government as such with regard to the calling of the Session, the responsibility being entirely that of the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): Do not the Government of India advise the Governor General on this matter?

The Honourable Sir Muhammad Zafrullah Khan: Would the House then wish to discuss this: what advice did the Government of India give the Governor General? Did the Governor General accept that advice or did the Governor General act contrary to that advice? And then which Members of the Executive Council gave what advice and which other Members gave what other advice and so on?

Mr. President (The Honourable Sir Abdur Rahim): The substance of the motion is that there was no Session of the Legislature and the Honourable Member says there ought to have been a Session.

The Honourable Sir Muhammad Zafrullah Khan: Therefore, the whole question is, who could call a Session and who has failed to call a Session. Assuming, that one should have been called, it is not the Government of India who could do so but the Governor General. You cannot discuss this matter without reflecting upon the Governor General in the matter of his not having called a Session earlier, as Honourable Members desire that it should have been called. Therefore, this question cannot be discussed in this House. I may draw your attention to two rulings which you have been pleased to give on matters like this. One is at page 379, Vol. VI (1936), Legislative Assembly Debates:

"I have no hesitation in holding that so far as this motion of Mr. Satya Narain Sinha is concerned, it is not in order on the substantive ground that no motion like that can be moved without speeches reflecting on the conduct of the Governor of Bihar and it is not permitted under Standing Order 29."

The motion related to the conduct of His Excellency the Governor of Bihar for taking active part in organizing parties to fight the Congress in the forthcoming elections of the local Assemblies. If that was a matter which in its discussion would necessarily call for speeches reflecting upon something done by a Governor, which is prohibited under Standing Order 29, it equally prohibits anything the discussion of which would reflect upon what has been done or what has not been done by the Governor General. Such a matter cannot form the subject matter of an adjournment motion.

Mr. President (The Honourable Sir Abdur Rahim): That was a motion directly challenging the conduct of the Governor of Bihar.

The Honourable Sir Muhammad Zafrullah Khan: So is this. Here the motion is that the Governor General did not call a Session earlier. This motion directly challenges the failure of the Governor General to call a Session. I submit it is not the duty of anybody to call upon the Governor General or ask the Governor General to call a meeting at any particular time.

Then, Sir, on another occasion you gave a ruling and that refers to the Governor General. This is at page 721, Vol. I (1938), Assembly Debates:

"**Mr. M. Asaf Ali:** * * * I am certainly within my rights to discuss even the actions of the Governor General because I am not referring to him as distinct from the Government of which he happens to be the head. He is the head of the Government of India and he has taken that action."

Mr. President: The Honourable Member is confusing the two—the Governor General and the Governor General in Council. These are two distinct constitutional entities."

Well, Sir, in the present motion for the alleged default of one constitutional entity, it is proposed to censure another constitutional entity.

Some Honourable Members: No, no.

The Honourable Sir Muhammad Zafrullah Khan: The motion which was referred to in the ruling which I quoted just now was "the dangers of the constitutional crisis occasioned by the exercise of the powers conferred by section 126 of the Government of India Act." The ruling appears on page 722:

"There is no doubt at all that this motion is entirely misconceived. The action taken in this case is purported to have been taken by the Governor General acting in his discretion under sub-section (5) of section 126 of the Government of India Act and there cannot be the least doubt that any such action cannot be discussed or criticised on the floor of the House. A matter like this cannot be discussed here without calling in question the action which has been taken by the Governor General acting in his discretion and the very intention of the Government of India Act in permitting the Governor General in certain matters to act in his discretion is that such action cannot be called in question by the Legislature or by the Government."

Mr. President (The Honourable Sir Abdur Rahim): What action was challenged at that time?

The Honourable Sir Muhammad Zafrullah Khan: I believe, Sir, it was some direction issued by the Governor General to the Governors of two provinces with regard to the detention of certain political prisoners. There again it cannot be said that the Government of India were not interested or not concerned but the constitution has devised authorities in that way. There are certain matters which are vested in the Governor General. It is open to the Governor General to consult Members of Council or anybody else that he chooses to consult over these matters; but that is not a duty or an obligation which is laid either upon the Governor General himself or upon the Members of Council. It is open to him to consult them but he is not bound to consult them. I, therefore, submit that this matter or any such matter where action has been taken or has not been taken with reference to something which is within the discretion of the Governor General as such cannot form the subject matter of an adjournment motion.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the Honourable Member as a good lawyer has taken shelter behind the technicalities of law. But the simple point here is that the business of the House is prepared by the Governor General in Council and then the Session is summoned. So the Governor General as such is consulted for the summoning and only the issue of summons is done in the name of the Governor General. So it is only one part of the thing which is done by the Governor General. If the Honourable Member had said that the Governor General in Council placed the matter before the Governor General and he refused to act on their advice, he could surely take that plea. But here we are not concerned with the Governor General or the issuing of the summons; our only concern is whether there was material for the House to go on from day to day during this time or not, and whether or not this House as the representative body for the whole of India which is a belligerent country involved in the war should be consulted for the prosecution of the war. We say it is the Governor General in Council who has failed and not the Governor General.

Mr. President (The Honourable Sir Abdur Rahim): From the wording of the motion it appears that the Honourable Member was under the impression that it is the function of the Government of India to call a Session of this House.

Pandit Lakshmi Kanta Maitra (Presidency Division: Non-Muhammadan Rural): This motion was worded like that, but I subsequently amended it and gave notice of another motion.

Mr. President (The Honourable Sir Abdur Rahim): Certainly this motion, as worded, is out of order as it is not the function of the Government of India to summon a Session of the Assembly.

FAILURE OF GOVERNMENT TO ENABLE MR. SUBHASH CHANDRA BOSE TO ATTEND
THE SESSION OF THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): The next motion is in the name of the same Honourable Member, Pandit Maitra, who wants to discuss the failure of Government to take steps to enable Sj. Subhash Chandra Bose recently elected to this House to attend this Session in response to the summons of the Governor General and discharge his duties to his constituency.

Was it under the orders of the Government of India that he has been prevented from attending the Assembly?

Pandit Lakshmi Kanta Maitra: Yes, Sir.

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Pandit Lakshmi Kanta Maitra: My contention is that Srijiit Bose was detained originally under the Defence of India Act at the instance of the Government of India, and during his detention he offered himself as a candidate for election. He was duly elected and a summons was issued from the Government of India inviting him to attend the Session.

Mr. President (The Honourable Sir Abdur Rahim): At the present moment, is he under arrest?

Pandit Lakshmi Kanta Maitra: He is an under-trial prisoner. He has been under detention since the 2nd August in connection with the Holwell Monument agitation.

Mr. President (The Honourable Sir Abdur Rahim): Is it the gist of the Honourable Member's complaint that he is not allowed to attend the Session?

Pandit Lakshmi Kanta Maitra: It is that the Government of India have not taken steps to facilitate his attendance here. He has been detained since the 2nd August under the Defence of India Act in connection with the Holwell Monument agitation.

Mr. President (The Honourable Sir Abdur Rahim): Was that order passed by the Government of India?

Pandit Lakshmi Kanta Maitra: Yes, Sir.

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, that is untrue.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks this motion is out of order. Mr. Subhash Chandra Bose was not detained under any order issued by the Government of India, and, therefore, they are not responsible for his inability to attend the Session.

Mr. President (The Honourable Sir Abdur Rahim): The next motion stands in the name of Sir Henry Gidney. Does the Honourable Member wish to move it?

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I have come to an agreement with the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member moving it? He cannot make a speech.

Lieut.-Colonel Sir Henry Gidney: I do not want to do so. But will you not allow me to explain why I am withdrawing it?

Mr. President (The Honourable Sir Abdur Rahim): There is no question of withdrawing. Is the Honourable Member going to move his motion?

Lieut.-Colonel Sir Henry Gidney: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The next motion standing in the name of Mr. Deshmukh is substantially the same as the one which the House rejected yesterday and is, therefore, out of order.

LAWLESSNESS IN SIND.

Mr. President (The Honourable Sir Abdur Rahim): Then, Mr. Lalchand Navalrai has given notice of a motion to discuss the failure of Government in not exercising their special powers of responsibility by not taking law and order into their own hands for safeguarding the legitimate interest of safety and security of the minority community in Sind, during the present continued lawlessness resulting in a series of murders and in not preventing grave menace to the peace and tranquillity of the province of Sind, specially the Sukkur district.

Has the Government of India any power to intervene?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): My case is different from the point that has been raised about the powers of the Government of India and of the Governor General. I have not invoked the power of the Governor General in his discretion. I have said that there is no peace or tranquillity in Sind, which is a part of India and I submit that the Government of India have got general powers. . . .

Mr. President (The Honourable Sir Abdur Rahim): Where do you get that? I think the general powers of superintendence, direction and control had been taken away by the Act of 1935.

Mr. Lalchand Navalrai: I may refer to section 7 of that Act; the executive authority has been given to the Governor General by His Majesty's Government: it says:

"Subject to the provisions of this Act, the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor General either directly or through officers subordinate to him. . . ."

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member know that this part of the Act is not in operation at all? It has not been applied.

Mr. Lalchand Navalrai: General powers under the Federation have been in force: we have been using the whole of the Government of India Act.

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

Mr. Lalchand Navalrai: Then I would submit that it is the primary duty of the Government of India to maintain peace and tranquillity in the whole country, and when no steps are being taken to protect the lives and property. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said all that. I cannot allow him to make a speech: this is only a point of order. The Honourable Member's motion is quite out of order. He has failed to satisfy me that the Government of India have any power, supposing the facts are correctly mentioned, to resume the administration of law and order and to ensure peace thereby in the province of Sind. The motion is, therefore, disallowed.

PLACING OF LARGE ORDERS OF PURCHASES WITH A FEW INDIVIDUALS.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member, Sir Ziauddin Ahmad, wish to move his motion?

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wishes to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely:

"The policy now pursued by the Government of India in placing large orders of purchases in a few individuals and thus discouraging the development of cottage and small industries, and encouraging the system of sub-contracts, involving financial loss to the country."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I object to this motion being admitted. To begin with, it does not deal with a specific matter of recent occurrence. It seeks to discuss a question of policy in which all sorts of factors will be involved. . . .

Mr. President (The Honourable Sir Abdur Rahim): It states "the policy of the Government of India in placing large orders with a few individuals". That is the gist of his complaint.

The Honourable Sir Muhammad Zafrullah Khan: I am coming to that. It says "the policy now pursued by the Government of India", trying to make the matter out as one of recent occurrence. If the policy is to be judged from what has actually happened, a much larger number of firms and individuals are receiving orders from the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): That is on the merits.

The Honourable Sir Muhammad Zafrullah Khan: Therefore, I submit that it would mean going into details of all sorts.

Mr. President (The Honourable Sir Abdur Rahim): At present I can in such a case as this only proceed on the facts as stated in the notice. You can point out during the argument what the real facts are.

The Honourable Sir Muhammad Zafrullah Khan: I do submit that this is not a matter either specific or of recent occurrence. Whatever the Government of India are doing, they have been doing for over sixteen months now. The House has since sat twice in long Sessions and there has been no change in what the Government are doing in this respect. The matter should have been raised at the earliest opportunity.

Dr. Sir Ziauddin Ahmad: May I reply?

Mr. President (The Honourable Sir Abdur Rahim): There is no question of reply: on the point of order, you can mention what your contention is.

Dr. Sir Ziauddin Ahmad: As regards the objection raised that the question should be of recent occurrence, I would just remind that during the last Session of the Assembly they repeatedly gave us to understand that they will not allow sub-contracts; and I think they are still following the policy of placing large orders in the hands of a few individuals and the system of sub-contracts is still continuing. . . .

Mr. President (The Honourable Sir Abdur Rahim): You mean in spite of the assurance of the Government given in the last Session of the Assembly?

Dr. Sir Ziauddin Ahmad: Yes; and they are still discouraging these smaller industries.

Sir Muhammad Yamin Khan: The Honourable Member says they are not of recent occurrence; but he has not shown that they are of old occurrence; that these things occurred when the Assembly was in Session last time.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought really to have worded it more definitely. He says "The policy now pursued"; this is somewhat vague. The Honourable Member does not say that this has occurred only since the last Session of the Assembly.

Sir Muhammad Yamin Khan: He means "since the last Session of the last Assembly was over".

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member in whose name this motion stands says his grievance is that the old policy is being continued. If he was on the point that a certain assurance which was given, which would have made the matter quite specific, has not been carried out, he should have framed the motion, drawing attention to that assurance. According to him, we are now pursuing the same policy which we had been pursuing previously.

Dr. Sir Ziauddin Ahmad: You are continuing the policy which you promised to change.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable the Leader of the House is perfectly right in pointing out that the motion as now worded is unsustainable. The motion is about the policy now pursued. Dr. Sir Ziauddin Ahmad explained that what he meant was the policy pursued since the last meeting of the Assembly, in spite of certain assurance given by the Government to the contrary. But in his notice he has not mentioned what that assurance to the contrary was, or that the present policy, that is the policy pursued since the last meeting of the Assembly, was in violation of that assurance. In these circumstances, I must rule that the motion is out of order.

FINANCIAL ARRANGEMENTS WITH HIS MAJESTY'S GOVERNMENT *RE* PAYMENT
FOR THE PURCHASE OF MATERIALS FROM INDIA.

Mr. President (The Honourable Sir Abdur Rahim): Dr. Sir Ziauddin Ahmad next wishes to move for adjournment of the House in order to discuss the failure of the Government of India to make any public announcement in regard to the financial arrangements with His Majesty's Government relating to the payment for the purchase of materials from India. Any objection?

The Honourable Sir Jeremy Raisman (Finance Member): Yes, Sir. I object to this for the simple reason that in my last budget speech I made a very careful statement of the arrangement with His Majesty's Government regarding all forms of defence expenditure and supply connected with defence.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member explain whether it is a fact that the orders given by His Majesty's Government are executed by the Supply Department and the price is subsequently debited to the Defence Department, subsequently to be settled between the Defence Department and His Majesty's Government? Is that a fact?

The Honourable Sir Jeremy Raisman: What I explained in my budget speech was that all expenditure on defence including expenditure on supplies connected with defence was in the first instance debitable to His Majesty's Government and that India would bear a certain share which I explained consisted firstly of former normal defence budget *plus* a certain element to allow for the increase of prices, and, secondly, the cost of certain measures of India's local defence. The cost of materials consumed in connection with Indian local defence measures was debitable to India; all the rest was debitable to His Majesty's Government. The statement was perfectly clear and was made in great detail.

Dr. Sir Ziauddin Ahmad: May I know, Sir, if the entire cost of all the purchases is first debited to the Defence Department?

The Honourable Sir Jeremy Raisman: In the first instance all such expenditure is first debited to His Majesty's Government, but
12 Noon. such expenditure as belongs to the measures concerned with the local defence of India is then debited to India and credited to His Majesty's Government.

Dr. Sir Ziauddin Ahmad: I am talking of the orders placed . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really arguing. The Honourable the Finance Member's objection is that he had explained this arrangement at the last Session. If that is so, then this motion would be out of order as it would not be a matter of recent occurrence. Having regard to the fact that, as stated by the Honourable the Finance Member, the financial arrangements with His Majesty's Government relating to payments for purchase of materials were fully explained by him at the last Session, I hold that the motion does not relate to an urgent matter of recent occurrence within the meaning of the rules.

OPINIONS OF THE HONOURABLE MEMBER FOR RAILWAYS AND COMMUNICATIONS
ON THE D'SOUZA REPORT.

Mr. President (The Honourable Sir Abdur Rahim): Then, we come to the next motion which is in the name of Dr. Sir Ziauddin Ahmad. He wishes by this motion to discuss a definite matter of urgent public importance, namely, the premature and misleading opinions expressed about the D'Souza Report and the position of the Mussalmans by the Honourable Member for Communications in his speech before the Indian Railways Conference Association on the 26th October, 1940.

The Honourable Sir Andrew Clow (Member for Railways and Communications): I take objection to this motion. I am not sure what the Honourable Member wishes to discuss, but I made no premature statement, nor did I express any misleading opinion.

Mr. President (The Honourable Sir Abdur Rahim): Misleading is only his adjective?

The Honourable Sir Andrew Clow: I think it is, Sir. I understand that the statement which my friend wishes to discuss was in substance a repetition of a statement that I made in this House in the course of the budget debate last year. The statement to which the Honourable Member refers is the gist of that statement.

Dr. Sir Ziauddin Ahmad: No, Sir; I have got before me a copy of his speech. The Honourable Member said that on Mr. D'Souza's Report he had reached no conclusion; and perhaps if he had stated he would come to no conclusion until the public and the Railway Administrations have had an opportunity of studying that Report, it would have been all right. But he goes further and says:

"Another important and difficult question is whether Mr. D'Souza's proposals for appointments are in consonance with the principle of communal considerations. . . ."

Further on he says:

"I am quite clear in my mind, and I feel sure that this Conference will agree with me, that we must not allow promotions to depend on communal considerations. . . ."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member for Communications says that he had expressed that opinion before.

Dr. Sir Ziauddin Ahmad: Not in these words; not on the D'Souza Report. The D'Souza Committee was not appointed at the time when the Honourable Member for Communications expressed his opinion.

Mr. President (The Honourable Sir Abdur Rahim): But he says he had enunciated that principle before and he only re-affirmed it.

Dr. Sir Ziauddin Ahmad: The Honourable Member for Communications has to give his opinion for the Government of India on the recommendations of the D'Souza Report. By giving his opinion on one issue raised in this Report and asking his subordinates to agree with him he is really prejudicing the whole case.

Mr. President (The Honourable Sir Abdur Rahim): What do you mean by prejudicing the whole case? Do you mean to say that the Government of India are not entitled to come to any decision on this point until the Assembly has had an opportunity to discuss it? Is that the suggestion?

Dr. Sir Ziauddin Ahmad: When he says 'I am quite clear in my mind, and I feel sure that this Conference will agree with me',—on that one issue he asks the conference to agree with him; and all the members of the conference are his subordinates, and, therefore, he is really prejudicing the opinion of these people. He ought to have received their opinion first.

The Honourable Sir Andrew Clow: The opinion which my friend has cited is not an opinion on an issue connected with the D'Souza Report at all. The opinion which I expressed was really a re-affirmation in rather less strong terms of the principle which I affirmed in the course of the debate on the Railway Budget last year.

Dr. Sir Ziauddin Ahmad: But he did discuss this question, and this was one of the issues raised in that connection, and on that issue the Honourable Member expressed his opinion very definitely

Mr. President (The Honourable Sir Abdur Rahim): Why should he not express his opinion?

Dr. Sir Ziauddin Ahmad: The Government of India means Sir Andrew Clow, and everybody knows it, and he expressed that opinion before the Railway Conference in the presence of his subordinates.

Mr. President (The Honourable Sir Abdur Rahim): Was it not open to him to express that opinion?

Dr. Sir Ziauddin Ahmad: If it is open to him to express that opinion, then it is open to us to say that he should not sit in judgment of that Report without giving us an opportunity to express our view.

Mr. President (The Honourable Sir Abdur Rahim): This opinion was not recently expressed. As the Honourable Sir Andrew Clow pointed out, that was a matter raised at the last Session, and before the Conference took place he had already affirmed that principle. Under the circumstances I disallow the motion as it does not relate to a matter of recent occurrence.

DELAY IN HOLDING THE SESSION OF THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): Then, we come to the next one. Maulana Zafar Ali Khan wishes to discuss a definite matter of urgent public importance, namely, the incorrect advice given by the Government of India to His Excellency the Viceroy for postponing the Assembly Session by two months in spite of important political developments in the country.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): This matter has come before the House before, and arguments have been advanced in support of the contention

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asserting that the Government of India did give advice to postpone the Assembly Session. I want to know what the Honourable the Leader of the House has got to say on that point.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member says that the Government of India gave the advice to postpone the Assembly Session. He assumes that the Government of India gave advice; but the Government of India as such gave no advice. The Government of India is the Governor General in Council. The whole object of these adjournment motions is to bring under discussion and discover what any Member of Government may have told the Governor General with regard to this matter.

Some Honourable Members: No, no; not at all.

Sardar Sant Singh (West Punjab: Sikh): You are avoiding us.

The Honourable Sir Muhammad Zafrullah Khan: I have plainly stated that in these matters Government are unable to disclose anything that may have happened.

Mr. President (The Honourable Sir Abdur Rahim): Then the House may take it that this statement is not challenged.

The Honourable Sir Muhammad Zafrullah Khan: I object to it on the ground that there being no obligation upon the Government of India to give any advice, they have not failed in any respect.

Mr. President (The Honourable Sir Abdur Rahim): Objection having been taken to this motion being moved, the Chair should like Honourable Members who are in support of leave being granted to rise in their seats.

(Less than 25 Honourable Members stood up.)

As less than 25 Honourable Members are in support of leave being granted, leave is refused.

HUGE EXPENDITURE WITHOUT SANCTION OF THE LEGISLATURE.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Muhammad Azhar Ali has given notice of a motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, namely:

"spending large sums of money not already budgeted without any reference to Legislature."

It seems to be rather vague.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): On the 4th March, 1940, a statement was laid before the Council of State showing the names and emoluments of the Gazetted Officers in the Department of Supply, and I have taken that as the ground for my motion. That is a matter of definite public importance and it is not vague at all.

The Honourable Sir Jeremy Raisman (Finance Member): The question of salaries of officers of the Supply Department was actually discussed in this House in the last Session. It was raised in this House in the last Session. In any case, the motion as moved is in the vaguest possible terms: "spending large sums of money not already budgeted without any reference to Legislature".

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks this motion must be disallowed. It is very vaguely worded and the Chair does not think that the Honourable Member has been able to shew that the matter is one of recent occurrence within the meaning of the rules.

NON-HOLDING OF THE SESSION OF THE LEGISLATIVE ASSEMBLY FOR A LONG TIME.

Mr. President (The Honourable Sir Abdur Rahim): The next one is in the name of Pandit Lakshmi Kanta Maitra. It is the same as adjournment motion No. 16.

Pandit Lakshmi Kanta Maitra: No, Sir. It is differently worded.

The Honourable Sir Muhammad Zafrullah Khan: I have not received notice of it so far.

Mr. President (The Honourable Sir Abdur Rahim): Then, it will have to be disallowed.

Pandit Lakshmi Kanta Maitra: No, Sir. I gave him notice.

Mr. M. S. Aney (Berar: Non-Muhammadan): When the last motion was discussed, my Honourable friend, Pandit Lakshmi Kanta Maitra, said, that he had a differently worded motion later and he withdrew his first motion. This motion must be considered by the House.

The Honourable Sir Muhammad Zafrullah Khan: Before we go into this, I submit I have not received any notice.

Pandit Lakshmi Kanta Maitra: I gave you notice.

The Honourable Sir Muhammad Zafrullah Khan: I have not received any.

Pandit Lakshmi Kanta Maitra: Day before yesterday I gave notice here.

The Honourable Sir Muhammad Zafrullah Khan: I believe the President himself did not receive it till after 11 o'clock yesterday.

Pandit Lakshmi Kanta Maitra: It is on the official file. I gave notice to your office.

Mr. President (The Honourable Sir Abdur Rahim): Very well. The gist of the adjournment motion is that a Session of the Assembly was not

called between certain dates. Was not that the complaint also of Maulana Zafar Ali Khan and the House refused leave to his motion?

Pandit Lakshmi Kanta Maitra: I just want to reply in a few words the points raised by the Leader of the House.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had better address himself to the point raised by the Chair.

Mr. President (The Honourable Sir Abdur Rahim): Maulana Zafar Ali Khan's motion was to discuss the question of "the incorrect advice given by the Government of India to His Excellency the Viceroy for postponing the Assembly Session by two months in spite of important political developments in the country". Pandit Lakshmi Kanta Maitra wants to discuss "callous indifference of the Government to Indian public opinion as evinced by its failure to advise the Governor General to call a Session of this Assembly during the period commencing from April 9, 1940,—the date of German invasion of Denmark, to the end of October, 1940, when momentous events vitally affecting the interests of India as a belligerent country in the war, were taking place and during which the British Parliament had been in almost continuous session".

The Honourable Sir Muhammad Zafrullah Khan: I would submit that the position is substantially the same in both the cases. In the one case, Maulana Zafar Ali Khan wanted to discuss the "incorrect advice given"—that is to say, the advice being, according to the Honourable Member who wanted to move the adjournment motion, that the Session need not be called earlier. And here, in this motion, Pandit Lakshmi Kanta Maitra wants to discuss the failure to give advice, that is to say, again, not securing or not giving advice, that the Session should be called earlier. Both are substantially the same.

Mr. President (The Honourable Sir Abdur Rahim): The first one dealt with "political developments in the country", while Pandit Maitra points out that certain developments in the war situation had taken place between certain specific dates and his idea apparently is that the Assembly should have been given an opportunity to discuss that situation. I think there is a difference.

Will those Members who are in favour of leave being granted, please rise in their places?

(More than 25 Honourable Members rose in their seats.)

As not less than 25 Honourable Members have risen in their places, I allow the motion. The motion will be taken up at 4 O'Clock.

RESOLUTION *RE* FISCAL POLICY OF THE GOVERNMENT OF INDIA—*contd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume discussion of the following Resolution moved by Sir Syed Raza Ali on the 27th March, 1940:

"That this Assembly recommends to the Governor General in Council to appoint a committee of officials and non-officials to examine the present fiscal policy of the Government of India and recommend suitable modifications."

[Mr. President.]

The Honourable Member has already spoken for five minutes on that day.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, the House will remember that when I moved this Resolution on the 27th March this year, the world situation was very different indeed from what it is today. On that day, the progress of the war which had already continued for some months was on very different lines. Honourable Members will remember that on that day Nazi aggression had not overrun Denmark or Norway. Nor had Belgium and Holland and Luxemburg been invaded. The House will also note that the powerful country of France had not collapsed on that day nor had Italy joined in the war. Lately, some more important events have taken place, namely, the dark shadow of Nazism has been cast on Rumania. What is more, we find that without any justification whatsoever, the ancient country of Greece has been invaded by the Axis powers. All these are grave and momentous developments.

My object in resuming the discussion on this Resolution is not, let me point out very clearly, to divert attention in any way from India's war effort. I must further point out that my object indeed is, by going on with this Resolution, to strengthen our war effort on the one hand and to place India in a position which would enable her to take advantage of the situation when peace is restored after the defeat of the Axis powers on the other. We know that much money and time was spent on setting up a number of industries during the last war, from 1914 to 1918. We also know that a number of those industries, for the simple reason that no machinery had been set up at the time, came to grief. I am very anxious that we should profit by our past mistakes and not commit again the mistakes that were committed by certain industries 20 years and more ago. In my speech on the 27th March, I referred to the work that had been done by the Indian Fiscal Commission that sat in 1921-22. It produced a very carefully considered document which again has come under the consideration of the Government of India from time to time. In consequence a number of Tariff Boards were appointed to inquire into the position of a number of industries and those Tariff Boards made their recommendations in due time. Now, we find that as a result of the inquiries made into certain industries by various Tariff Boards a number of industries were accorded discriminating protection; amongst them the following important industries may be named, iron and steel industry, cotton textile industry, woollen textile industry and sugar industry. It is true that public opinion is not unanimous on the question as to whether the measure of discriminating protection that has been accorded by Government to some of these industries does not err on the side of too much liberality. That question is one into which I do not think it is necessary for me to go this morning. The report of the Fiscal Commission is there and that report lays down some very wholesome principles which should be carefully borne in mind in deciding the question as to whether a certain industry is entitled to any discriminating protection or not. Now, three cardinal principles have been laid down by the Fiscal Commission to which I would make a reference, in passing, in order to show that whatever differences of opinion may exist on the quantum of protection afforded there is no doubt that if these principles are carefully

borne in mind there is not much chance of the Government of India, assisted by the Legislature, coming to a wrong decision generally.

The three principles that were laid down by the Fiscal Commission of 1921-22 were: firstly, the industry must be one possessing natural advantages such as abundant supply of raw material, cheap power, a sufficient supply of labour or a large home market; secondly, the industry must be one which without the help of protection either is not likely to develop at all or is not likely to develop so rapidly as is desirable in the interests of the country; lastly, the industry must be one which will eventually be able to face world competition without protection.

Now all these, Sir, are very wholesome provisions. The present position, as I indicated briefly at an earlier stage, is that, if it is proposed to consider the question of any industry in connection with the grant of protection, a very elaborate inquiry has to be undertaken through a Tariff Board. The Tariff Board examines witnesses, visits a number of places, and, after going through the whole thing carefully, makes a report which ultimately goes to the Government of India. The Government of India for obvious reasons are not bound to accept the recommendations of the Tariff Board, but have the right to make such alterations or modifications in the report as they think suitable. Now, my main criticism of this provision is that the whole thing involves a very cumbrous procedure. Quite apart from the question of cost, which again is quite appreciable, a lot of time is taken up, and, now that quite a number of important industries have already been carefully inquired into by the Tariff Boards, I do not, on the whole, think that it is necessary to appoint a Tariff Board in the case of newly developed or newly developing minor industries or in the case of those industries which have already been examined at a previous stage by a Tariff Board. It seems to me that the necessary cost can be avoided and the procedure can certainly be speeded up by the appointment of a committee of official and non-official Members to advise the Government of India.

I do not mean to say that in no case should a Tariff Board be appointed. But we do not know what the position after the war will be. It may be, and I do hope that as a result of India's war effort, quite a number of new industries will come into being and will attain to a stage of sufficient development to warrant the Government of India extending to them a helping hand. At the same time, it is extremely difficult, if not absolutely impossible, to foresee today what the country's industrial position will be after the war. The point is this. Is it to the advantage of this country, or does it facilitate India's effort in prosecuting this war, to do nothing for the present and cast the entire responsibility of executive action on the Government of India? My submission is this, whether we look at the problem from the point of view of the country's earnestness to help England to win the war or whether we look upon it from the point of view of the country's industrial development, it is very important indeed that no valuable time should be wasted in refusing to associate the non-official element with our effort in these two directions. Let me make it quite clear that nothing is further from my mind than to suggest anything which will prejudice our war effort. Rather, I should say that if we have a committee of the kind outlined in my Resolution appointed

[Sir Syed Raza Ali.]

and if the Government of India seek the assistance of this Committee from time to time between now and the conclusion of peace, it will be all to our good and to our advantage.

Sometimes people fear that capital in this country is shy and does not readily come forward to the help of industries. Sir, I have no first-hand experience of the development of Indian industries. All the same, I can claim that if we carefully remember what happened in 1914 and subsequent years this charge of the shyness of capital will be found unjustified. In fact, for reasons into which I need hardly go since they are present to the mind of every Honourable Member, as a consequence of the great industrial development that has taken place during the last twenty-two years, capital is much more ready to come forward now than it was some years ago. But one thing one naturally has to consider. Those who invest large sums of money either in founding fresh industries or in developing existing ones are very anxious that some years after the war is won and peace is restored the fate of the money thus invested will not become precarious. Now, I think it is up to the Government of India to reassure the public and capitalists and industrialists on that very important point. If the quarters affected are reassured on that point and if they feel a sense of security that the Government of India will not leave them in the lurch when peace is restored, and if they are assured that the Government of India will give due consideration to all those industries which may have come into being or may have developed between the outbreak of the present war and the conclusion of peace, I am sure that many will come forward readily to found new industries or help existing industries. I would, before I finish, just like to know as to what the attitude of the Government of India is. I understand, Sir, that in the past the Government of India on suitable occasions have made necessary modifications in the recommendations of the Tariff Boards; in other words, by executive action they have accomplished what could not have been achieved without the appointment of a fresh Tariff Board. I am not complaining. On all those suitable occasions when proper action was taken by the Government of India, they are entitled to claim credit and I certainly would be prepared to give them that credit. What I would like to know is the present policy of the Government of India. Have they any objection to the appointment of such a Committee as is outlined in my Resolution during the progress of the war? I need not repeat the familiar arguments that the country is far too advanced to be prejudiced by the appointment of a Committee of this character. In fact, instead of prejudicing our war effort, the Committee would, on the one hand, accelerate the pace of our war effort and would, on the other hand, help the Indian industries being placed on a satisfactory footing in the light of the experience gained between now and the conclusion of peace.

Now, Sir, I do not think I have much to say except to point out that I have not used the expression 'fiscal policy' in any limited or restricted sense. Time will not allow me to develop the theme, but the expression 'fiscal policy' embraces, according to me, such important questions as the question of the railway rates policy which, I have no doubt, should be further revised and improvement in railway facilities effected with a view to the transportation of our manufactured goods. I should also add that, according to me, our fiscal policy ought to include the question of

shipping, at any rate, coastal shipping rates, which should be lowered and an effort should be made against a monopoly through shipping rates being established or continued

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

Sir Syed Raza Ali: I will finish my speech within that time. On the other hand, if we find that any such monopoly through shipping rebates exists, every effort should be made by the Government of India to do away with that system. So, by 'fiscal policy' I mean the policy to be pursued by the Government of India with reference to our manufactured goods coming into competition with goods imported into India from foreign countries.

Sir, the Resolution is a very simple one. If this Resolution is accepted by the Government of India, whatever else they may think of it today, they will find that in course of time this Committee will be of great help to them in arriving at a decision on broad questions with reference to war industries as also India's internal industries for the latter require every legitimate help and encouragement being given to them without delay. Sir, I move.

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

"That this Assembly recommends to the Governor General in Council to appoint a committee of officials and non-officials to examine the present fiscal policy of the Government of India and recommend suitable modifications."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, before I develop my argument in favour of this Resolution, I want to make two points quite clear. The one is that the word 'fiscal' in this Resolution does not mean tariff. The word is used not in the narrow sense but in a very broad sense, as was made clear by the Honourable the Mover of the Resolution himself. The second point which I want to make quite clear is that the war condition should not be put forward as a plea against the appointment of such a Committee. May I remind the House that the Government of India during the Great War appointed an Industrial Conference, the necessity of which they felt on account of the war conditions. Whatever situation existed during the Great War, the situation is much more acute on the present occasion. In fact, the war condition clearly shows that we do require a Committee of this kind to discuss the whole problem. New industries are now springing up on account of the war requirements and an announcement was made the other day that these industries will not be allowed to die when the war is over. We do not understand what is the significance of this and how the whole thing will be materialised. If we could make any announcement in this direction, I am sure more capital will be coming forward, industries will develop more rapidly and the war material will be available in large quantities.

Sir, the policy of taxation of the Government of India is based on the Fiscal Commission's report. As I pointed out some years ago, it is just like the surgery of one system of medicine based on the surgical operations which Abusina performed on one monkey. Many things have happened since that time and the art of surgery has undergone a great deal of improvement. But that system still follows the surgery of Avicenna. The

[Dr. Sir Ziauddin Ahmad.]

same is the case with the taxation policy of the Government of India. The Fiscal Commission's report was written in 1922 and many things have happened since then. The one very important thing that happened during this time is that the systems of combines and monopolies of sale are now being actively pursued and are very widely followed by businessmen. There is no freedom of sale and there is no freedom of purchase. If I want to sell a particular article and if there is a combine in regard to it, I will not be able to do it. If I want to purchase anything, I can only purchase it through one particular firm and in a particular locality. Therefore, there is now a great restriction both with regard to the sale and the purchase of various articles and, therefore, the freedom of trade which these businessmen shout at the top of their voices is destroyed by themselves. But this thing is acting against the interests of the consumers. There are all kinds of loots which I mentioned some time ago in connection with the story of Haji Baba. By means of combines and the monopoly of sales they are collecting large sums of money from the poor consumers. Now, what is the difference between the Finance Member and these magnates of combines and monopolies? The Finance Member collects funds from the rich people for the benefit of the public. Now, Sir, these people collect funds from the public for the benefit of the rich men. It is really the reverse process, but in both cases the poor consumers are very much handicapped and they suffer in both ways. This system of combine may be defended in case of general commodities, but it cannot be substantiated in the case of protected industries. Here I may be permitted to quote from the Fiscal Commission report from which my Honourable friend, Sir Syed Raza Ali, also quoted. As regards this point the report says:

"The matter should be investigated by the Tariff Board which we propose should be established and if the Board reports that the protection is in effect injurious to the interests of the Indian consumer and the legislature accepts the view that protection given to the industry should be lowered and withdrawn or possibly special legislation should be introduced in order to deal with the matter."

Therefore, the Fiscal Commission suggested a method to get out of this difficulty, but unfortunately the methods suggested by them were not practised by the Government of India on account of an error of nomenclature into which they have fallen. Now, Sir, they clearly suggested a periodic examination of the protection and they contemplated very clearly that this should be examined and their report should be laid before the legislature and the legislature should have a right to express their opinion. The Government of India fell into the error and they have not solved that problem whether there should be a permanent tariff board to do the work which I have just mentioned or there should be an *ad hoc* tariff board. These are really the two distinct problems and I think every Commerce Member from 1930 onwards had been devoting a considerable portion of his time to solve this question whether the tariff board should be *ad hoc* or permanent body. I think the Government have misunderstood the entire recommendation of the Fiscal Commission. They say that whenever you want to give fresh protection or extend period of protection to any industry, this should be decided by an *ad hoc* tariff board. That is one thing. But once protection is given, then it should be examined periodically by a permanent body of men, call that body of men tariff board, and it is unfortunate that the Fiscal Commission used the same word "tariff board" for entirely two different bodies which led the Commerce Department to fall into a confusion or

into a kind of connundrum. It is very important that the Commerce Department should immediately appoint an officer and a body of men, some non-officials, be associated with him and call them by whatever name you like. They should examine the effect of this protection given to any industry. Had this permanent body been in existence, then all the difficulties with regard to sugar which we had during the last 18 months would not have existed. This permanent body would have drawn the attention of the legislature in 1937, 1938 and 1939 about the actions taken by the Governments of Behar, of the United Provinces and they would have drawn our attention to the action taken by the Sugar Syndicate, to the action taken by the Sugar Mill-owners Association and the enormous difficult positions into which they have fallen, would have been avoided had timely action been taken on this particular question.

The next thing on which this Board will be exceedingly useful and which expresses the interest of the consumers is they would fix a fair selling price. Whenever an industry is protected and when the industry wants to raise the selling price, they should get the permission of this permanent body. The protected industry should not have the power to raise the price arbitrarily beyond the fair selling price fixed by the Tariff Board as it is doing at present by means of combines and monopolies and so on. So this will also be one of the duties of the permanent body to examine whether the increase in the fair selling price is necessitated by circumstances.

I again press this point that in every question of protection, in every question of fixing of price, we have to consider all the interests—the interest of the consumer should not be left out of consideration. Whenever any question relating to any industry is discussed, my Honourable friend, Mr. Joshi, puts forward the interest of labour and he is perfectly right. I think he should have a second string to his bow and he should take up the cause of the consumers also.

I will now briefly mention about the method of new taxes which the Government of India are adopting. This is quite novel without any parallel in any other country. First, there is the theory of giving temporary shelter to certain industries. The Commerce Member in December, 1933, startled the whole of the Legislature by bringing forward a Bill in which he artificially put specific duties and raised the customs duties on articles which he selected at his sweet will presumably on the representation of certain individuals. Now, Sir, he did not tackle the problem, but the problem tackled him. So he started a new theory that is about giving temporary shelter. Then later on he started another theory, that is, giving of over-protection and about this he said:

"When you give these industries over-protection, then cut-throat competition will follow and this will also lower the prices."

So he takes for granted that in giving over-protection there will be no combine, but whenever there is a combine and they fix the prices by mutual consent at a higher rate, then this over-protection really acts not to the benefit of the industries, but very often against the industries and certainly it is prejudicial to the interests of the consumer. Therefore, this theory of over-protection, that is, protection over and above the quantum recommended by the Tariff Board is really neither in the interests of the industry nor in the interests of the consumers. This theory also is absolutely wrong.

[Dr. Sir Ziauddin Ahmad.]

The next theory that the Government of India started is like the poll tax. This is really a tax which you can levy on your own account without reason and justification. This is what is called 'cess duty'. The Government have now started the system of taxation under the name of cess duty. Nobody knows what happens to this duty. The Government also tabled Resolutions recommending cess duty in the case of coffee, in the case of tea and so on, but we do not know what happened to the duties so collected. The accounts are not submitted to the Commerce Department about the method of working of this cess.

There is another burden on consumers, high tariff wall combined with the quota system. I can understand your having a high tariff wall for protection to an industry. I can understand if you have a quota system. But the Government have adopted the policy of having both high tariff wall and quota system so that the effect of this is there is double protection to the industry, but it is really high taxation to the consumers of the country. So that the protection is there, but on account of the quota, the prices are increased to the great disadvantage of the consumer.

The next point to which I wish to refer is the surcharge. This system of surcharge was started during the time of Sir George Schuster who was popularly known in the House as *sur-charge* Schuster. He raised the price of all articles irrespective of any consideration by 25 per cent. This thing ought to have been examined scientifically but no effort was made in this direction. Now, Sir, we have got the same method adopted by the present Finance Member. Instead of trying to find out fresh sources of revenue he is only putting a surcharge on articles which are already there. Therefore, the important thing is that the Government of India should now find out fresh methods of raising revenue. For example.....

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

Dr. Sir Ziauddin Ahmad: Very well, Sir. I was just coming to the principal arguments in support of this Resolution.

Mr. J. Ramsay Scott (United Provinces: European): Sir, the views I am going to express are my own personal views, and not necessarily those of my Group.

1 P.M.

I would like to thank my Honourable friend, Sir Raza Ali, for bringing up this Resolution on the fiscal policy of India and to congratulate him on the admirable way he has put up his case.

During the great war, and, immediately after, a large number of new industries came into existence to supply India's needs, but when trade got back to normal, the intensive competition of foreign imports killed many of these industries and a lot of invested money was lost by the Indian public. In the interregnum between the Great War and the present war, India has made great industrial progress, but not sufficiently so as to enable her to pull her full weight at the present moment. In the last two decades, other dominions have made greater industrial progress, and I may say that I was greatly impressed last year to see the way Australia had gone ahead industrially since the last war.

In view of what I have said regarding industrial development about 1920 and the amount of money which was lost by the public, I would ask

Government to bear in mind that although there is sufficient money available to start new industries, the assistance which Government have given in the past has not been such as to encourage greatly the development of industries. But today those of us, who have intimate knowledge of the speeches and work of Sir Ramaswami Mudaliar, know that industrial interests are and will be in safe hands of the Commerce Member and that everything which can be done will be done to hasten and facilitate the industrial development of India.

The Fiscal Commission's report of 1922 laid down certain lines on which protection to an industry might be given after a thorough investigation by a Tariff Board, and it also lays down certain stringent conditions that all the raw material should be available in this country before protection can be granted, but in a few cases recently my Honourable friend, the Commerce Member, has relaxed this rather arduous condition and cases are being individually examined so that industries started this year, in a year in which every industrial effort is required to be made in the interests of India and the Empire, will be protected after the war for a period of years. If I have in any way misinterpreted what I consider is the desire of the Commerce Member of the Government of India, today, I shall be glad if he will correct me in his reply. The Fiscal Commission's report is nearly twenty years old, and conditions in India have changed so much in the last twenty years that I think that a new commission should sit at some future date. I do not, however, consider that the present moment is a suitable one, but would suggest that a Commission should sit as soon as possible after the war when it can judge in a dispassionate atmosphere what India's industrial capacity has done and what it might have done, and plans can be made when machinery, etc., is available, to develop fully the industrial capacity of India.

A further suggestion for consideration is the needs of the smaller industries. The larger industries are organised and are well able to voice their needs, but the smaller and undeveloped industries are not in such a happy condition. I feel that in the interim period until the commission sits a new "Safeguarding of Industries Bill" should be introduced for the protection of smaller industries. A full dress Tariff Board report is too long, cumbersome and costly an affair to deal quickly and efficaciously with small industries where the need is for quick action if such an industry is to be saved and assisted.

The bulk of consumers in this country are agriculturists, but they are also men with families, and with the growth of education there is a crying need to find employment for educated young men, and in my opinion an industrial drive to expand India's industries is one means of finding men employment. In this country industrial employment for one man means, as his standard of living improves, helping several more to get an existence.

Industries must know that their position is safe and this position can only be assured if their markets in India are maintained, and they know that they are not likely to be ruined by foreign competition and foreign dumping. Sir, I would recommend this Resolution to the careful consideration of Government, and I hope that they will be able to accept it in principle even if there is no definite time limit for the setting up of a Commission.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I rise to support this motion and I congratulate Sir Raza Ali on bringing it forward. The present fiscal policy of the Government of India is dependent on the report of the Fiscal Commission of 1921-22. Before that there was no fixed policy but after this report Government adopted its recommendation of discriminating protection of industries. This policy was considered to be half-hearted and halting even at the time the report was published and at the present moment it is all the more so. The recommendation of this Commission as well as the present fiscal policy of Government is so halting and half-hearted that the industrial development of the country has not progressed as would have otherwise happened if the industries had got the necessary protection and fostering care of Government. The preliminary conclusion which the Fiscal Commission came to was that the industrial development of India has not been commensurate with the size of the country, its population, and its natural resources and that a considerable development of Indian industries would be very much to the advantage of the country as a whole. This theory which was true in 1921 is far more true at the present moment. The industrial development of India is very badly needed. There has been industrial development of India during these 20 years as a result not only of the policy of the Government of India but also of the interest which the Indian mercantile community has taken in the development of industries in this country. If Government had given their whole-hearted support and more paternal care to the industries I am sure the industrial development would have been much greater. There are so many conditions surrounding the grant of protection to an industry at the present stage and it is so very difficult to satisfy Government in these matters that in many instances protection has been denied to an industry. I would cite only one instance, that of the glass industry, in which protection was denied simply because soda ash which is one of its principal ingredients was imported from outside, though as regards consumption, manufacture and labour and other things the industry had perfect justification for protection. I know that Government are giving some help to the glass industry by grant of rebate of customs duty on soda ash, but much more should have been done by giving protection directly.

I have given only one instance, that of the glass industry. At the present moment, after the war began, Government have now become anxious that goods should be manufactured in this country for war supplies. I quite appreciate that it is for the good of the country that we should be able to supply the war needs and not only the war needs but also our needs in times of peace. If Government had been half as anxious as they are now to develop the industries of this country and had helped to start new industries here, then the position in India would have been so strong and India would have been so self-sufficient as regards the supplies of war materials that it would have been a source of great strength not only for the defence of the country but also for supplying goods to Great Britain and other theatres of war in the near East and even, God forbid, if there should be hostilities, in the Far East. But, unfortunately, at the present, according to the recent statement of Government, India can only supply 20,000 kinds of materials out of 40,000 kinds which are required for military purposes, from within. The other 20,000 kinds have to be imported from outside. What a pity! India has got natural resources, India has got men, India has got labour; and if a

stimulus had been given by Government patronage, India would have been self-sufficient in these respects also. There are certain vital industries which have not come into existence in India at all and which are very important for the purpose of defence of this country, as for example, the manufacture of arms and munitions, ship-building, aircraft, etc. Even yesterday in his statement the Honourable the Finance Member only referred to certain ship-building yards in this country, if I heard him aright, but no efforts have been made to manufacture ships in this country. As a matter.....

The Honourable Sir Jeremy Raisman: What I said was that every slip in this country capable of being used for the construction of these vessels was actually occupied, so that ships are being constructed.

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

Babu Baijnath Bajoria: I think I have some little time more, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is right. The Chair understands that he has five or seven minutes more. He can resume his speech after Lunch.

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

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

Babu Baijnath Bajoria: Sir, when the House adjourned, I was showing how, if the industries of this country had been properly developed, if they had received the full support of the Government,—and I was glad to hear this morning from the Honourable the Finance Member that they have decided to support the ship building industry—the industrial condition of India would have been in a much stronger position than it is today. With regard to the shipbuilding industry, as every body knows, there have been numerous discussions in this House, and the proposal to start and support the shipbuilding industry was always stoutly resisted by the Government, but I am glad that at last they have realised the true position of this industry and have decided to support it.

Sir, the Indian Fiscal Commission Report on which the present Indian fiscal policy is based is antiquated. It is about 20 years old and much water has flown down the river Ganges since the time that report was written. The whole situation both in India as well as in the whole world has completely changed, and it is now imperative on the part of the Government to come out with a bold and definite policy of industrial expansion in every possible direction; and if the present conditions of war have created favourable opportunities for the establishment of new industries in this country, it is also the duty of the Government to see that these industries which will help them during the period of the war do not die out in time of peace.

Sir, one of the recommendations of this Commission was that industries essential for purposes of national defence should be adequately protected if necessary, but nothing was done, whatsoever, to implement this

[Babu Baijnath Bajoria.]

recommendation of even this antiquated Commission. That shows the antipathy of the Government. Sir, I am joining in this debate not in any spirit of negative criticism of Government, but with a view to strengthen the hands of the Honourable the Commerce Member to give greater encouragement for the expansion and development of industries in this country. I know the Honourable the Commerce Member who was once a popular elected Member of this House had greatly contributed to debates on this question.

Some Honourable Member: He is equally popular now.

Babu Baijnath Bajoria: His contribution to the debates in this House for the cause of industrial development has been very great, and I hope he will be very sympathetic to the industrial development of this country by revising the policy of the Government in such a manner that the industries of this country may fully benefit thereby. Sir, I support this Resolution not with a view to throw any impediments in the way of development of Indian industries. If by the appointment of the proposed Committee the present industrial development is impeded in any way, I would be quite prepared if the Government accept this Resolution, and the appointment of a Committee may be deferred till the end of the war, because I know that at the present moment Government themselves are anxious to encourage industries which may provide them with war materials. But I do not think it will be wise on the part of the Government to oppose this Resolution merely on the ground that they cannot appoint a Committee just at the present moment.

Sir, one word about what my friend, Dr. Sir Ziauddin Ahmad, said with regard to over-protection. I wanted to know from him one instance in which over-protection has been given to industries beyond what has been recommended by the Tariff Board.

Dr. Sir Ziauddin Ahmad: Tatas are getting 15 crores. Read the speeches made in the House in 1934.

Babu Baijnath Bajoria: The Government are at present following a policy which reminds me of a proverb which says that when a fire has started in the house, the owners or occupants of the house have begun to digging a well.

"Jab ghar me ag lagee, tub koova khodne chale."

But it is still better late than never, and even if Government were to take to this industrial development now and revise their fiscal policy in the interests of this country, I think this country will be greatly benefited in all respects. With these words I support this Resolution.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, since the publication of the Report of the Indian Fiscal Commission 18 years ago, industrialisation has made considerable progress in this country; but if the Government had shown greater foresight and imagination, this industrialisation would have proceeded much further. Just at the present moment we find that there are great defects in the industrial system of this country, and the Honourable the Commerce Member is trying his best to remove these defects in order that India may be able to make a substantial contribution to war effort. Sir, the Fiscal

Commission reported 18 years ago, and during this period things have changed considerably, and it is desirable that the recommendations of the Commission should be reviewed. On what lines the review should take place, I will not discuss now; but I will say this, that some of the conditions laid down by the Fiscal Commission are rather over-stringent, and some amount of elasticity will have to be introduced into these conditions. My friend, Mr. Bajoria, referred to one or two instances. There are many other instances, but it is needless to mention them now. A full-fledged Fiscal Commission or an Industrial Commission may not be possible to be appointed just at present because of the preoccupation of the war and also because conditions are not normal. This may be postponed till after the war, but a small Committee, as has been suggested in this Resolution, may be appointed. This Committee may consist of officials and non-officials,—some members of this House may be taken on it,—to inquire into the limitations which have been imposed by the Fiscal Commission's Report and also to inquire what further progress is needed in view of the changed conditions,—particularly conditions created by the war.

Now, during this war certain industries are getting help in various ways from the Government, and a considerable amount of capital is being invested in these industries. It is necessary to ensure that these industries, after they have been developed, should not die when the war ceases. The Honourable the Commerce Member, if I remember aright, gave an assurance some time ago to the effect that Government would come to the rescue of such industries and would give them the necessary support after the war. I hope that this assurance which he gave to some Chambers of Commerce will be repeated here. That will go a considerable way towards removing the apprehension which is felt in many quarters that when the war ceases a great deal of capital resources may be lost.

While I am a protectionist, I must say that I am not a blind protectionist. When we grant protection to an industry, we should grant protection not only in the shape of tariff, but in various other ways,—railway facilities, shipping facilities and so forth, and we should look to the interests of the country as a whole, not merely to the interests of the capitalists. We should have in view the interests of labour, the interests of the consumer and all other interests which may be affected by our protective policy. The time has come when it should be recognised definitely by the Government of India that industrialisation, coupled with agricultural improvement, is the greatest need of the hour, and keeping that in view the Government should extend to the industries of the country all the facilities and all the help that they can offer.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): We have friends here who plead the cause of big industry. I stand here to urge on the Honourable the Commerce Member to take up the cause of smaller industries in India. I remember he once said on the floor of the House that he would take the same care for the smaller industries as he would take for industrial production for defence and war purposes. My Honourable friend, Dr. Banerjea, has referred to what the Honourable the Commerce Member said to the commercial community. It has appeared in the newspapers and we all know that he has got very great sympathy for the smaller industries. In the year 1937 an enquiry was launched by the Government of India for the development of smaller industries, but the plea then raised was that, because

[Mr. Muhammad Azhar Ali.]

Japan was importing at higher prices, therefore, these industries could not be helped so easily. The result was that the whole thing ended in smoke, and that is generally the result of Government of India's committees and commissions, which I again deplore even today on the floor of the House. But, during the regime of our present Commerce Member, we hope that the smaller industries will be taken greater care of, and that the coffers of the Government of India will filter down to the smaller industries of the country as well. There are philosophers to discuss the principles of fiscal policy and the recommendations of the Fiscal Commission, but so far as I understand the Resolution of my Honourable friend, Sir Syed Raza Ali, it touches more the question of fact than discusses the fiscal policy of the Government of India. Here, what we want is that the glass industry, the canning industry, and other smaller industries should be helped and developed by the Government of India even at this time of the war. In spite of the fact that war is on, these industries are very necessary and they should be developed. We know that Banks in India cannot at the present time, for reasons best known to the Government, help even the greatest industry of India, that is, the agriculture of India. The only recourse for the smaller industries, therefore, is the Government of India itself, and we hope that the Government will think of these industries not only during the time of the war but also after it. The big industrialists will look after themselves. There are magnates who will surely make money during the war themselves and then invest the same for the industrial development of the country, but it is the care of the smaller industries that we have to look to. The Resolution seeks only this, that non-officials also should be included in the committee and that there should be a committee of officials and non-officials to enquire into the industrial development of the country. We know how His Excellency the Viceroy has been trying his level best to rope in the leaders of the Indian community. And for what? To help in the development of industries in India. And for what purpose? To help in the war. When the Governor General himself thought that non-officials should be taken in, I ask, where is the reason for the Government of India to refuse to take non-officials into the committee along with officials for the development of Indian industries, and especially the smaller industries of the country? With these words I support the Resolution.

Mr. N. M. Joshi (Nominated Non-Official): I would like to make only a few remarks on this Resolution, as we are likely to have another opportunity to speak almost on the same subject when the Finance Bill will come up for discussion.

I would like to support this Resolution asking for a re-examination of the fiscal policy of the Government of India. It is a long time since the policy of the Government of India as regards the development of industries, as regards their taxation system and as regards the fiscal system of the country, was examined by a committee. Since then many changes have taken place. We have expanded our system of taxation, we have developed industries, and we have been also protecting some of the important industries of the country. But, Sir, we are now living in quite different times. Not only has there been the ordinary development in the country, but the war has introduced quite a new situation.

At this time the Government of India themselves may have found that, if the industries of the country had been developed much more than they are developed today, it would have been easier for them to find the money which they need for the prosecution of this war. Moreover, the Government of India today are trying to supply the military needs not only of India but of Great Britain also. In this connection, what we have to remember is that, if India had been sufficiently developed industrially, we could have not only supplied the raw materials which we are now supplying, but we could have provided the Empire as well as Great Britain with many finished products of which we are supplying only the raw materials today. I, therefore, feel that the time has come for a re-examination of the policy of the Government of India as regards the industrial development of the country, as regards their taxation system and also as regards the system of protecting industries. Again, I should like the Government of India to consider, and consider especially at this time, the question of whether industries should be in the hands of Government, and if so, which industries, if the industries should be controlled by Government, and if so, which industries should be controlled, and whether there are any industries which may be left to private enterprise.

I would like this question to be considered now. We are living now not in the old times but in new times and everybody is thinking of the new world order. In Great Britain where generally, the Government is averse to interfere with private industry and where Government is adverse to take over industries in their hands, the Government has changed its policy and is now conducting industries which the Government would have left to private agencies some years ago. I, therefore, feel that, the Government of India themselves must examine now very carefully and not at a later time whether the industries upon which depends the safety of the country should not be taken over by the Government of India wholly in their own hands. Secondly, there are industries which are key industries and industries which are essential for the well-being of the masses of people in this country and industries upon which depends the development of other industries such as the power industry, the coal mining industry, the machine industry. These industries also in my judgment ought to be in the hands of the Government and not in private hands. It is quite possible that the Government today may not take over all the industries. At the same time the Government will recognise that this war makes it quite clear that some of the essential industries must at least be controlled by the Government and these industries must not be controlled only in war times but it is now clearly proved that these industries must be controlled even in peace times. The Government may plead that they cannot introduce a new system altogether during the war. But the war has proved it abundantly, some of these key industries must be at least controlled by the Government sufficiently. If Government are to control, in what way are the Government to control. These are various matters of importance which it is now time the country should consider and investigate. I do not agree with the argument which some Members have used that this is a time when we should not have an examination. I shall say that this is the time when that examination should take place. We are taking steps in the matter of initiating certain policies. Should not those policies and steps be examined now? Some of the Members do not wish that the development

[Mr. N. M. Joshi.]

of the industries should be delayed on account of the examination of such policies by a committee. They say that the Government of India are at present prosecuting a quick and vigorous policy as regards the development of industries. Unfortunately, the Government of India do not like to take the people of this country into confidence and they also, I am very sorry to say, do not like to take the Legislature into their confidence. If they are taking steps to develop industries, we want to know what those steps are. I am quite sure that, if the Legislature knows that the Government of India is following a vigorous policy as regards the development of India, the Legislature will not do anything by which there will be any interference in the vigorous prosecution of the policy of development of industries. I have no doubt that if the Government of India appoint a committee now, that committee will be able to give guidance and advice to the Government of India in the policy of the development of industries which they may be following at this time. I, therefore, feel, that in the interest of the country there should be a re-examination of the policy which the Government of India should follow as regards the development of industries, as regards the method of taxation and as regards the method of protecting the industries. I hope, Sir, that the Government of India will accept this Resolution.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour). Sir, the Honourable the Mover of the Resolution has already been congratulated on the careful and analytical way in which he has presented his case. I should only like to join my own congratulations to those of other members on the fact that he has made on so difficult a subject a careful and, may I add, a sober speech. It is very easy to get extremely excited over the question of the industrialisation of this country and because during the months that I have been on tour from place to place I have had memoranda and heard speeches some of which have been of one tenor, advocating, irrespective of any consequence, a policy of complete industrialisation and a policy of self-sufficiency that I venture to state that the Honourable Member has made a very sober speech on matter which is engaging the active attention of the Indian public.

Various questions have been brought on the tapis of this debate by Honourable Members. It will be impossible for me during the short time that is available to deal with every one of these questions and I would like to make this preliminary remark so that Honourable Members may not consider that I have evaded any of the issues that have been raised. I can only confine myself to certain definite and what I consider, the most relevant issues that have been raised by this Resolution. I was asked to repeat assurances which I had given elsewhere to commercial bodies, assurances regarding the position of the Government at the present time in relation to the development of industries (*An Honourable Member*: "With regard to the future".) With regard to the development of industries at present and in the future. I stated in the last Session of the Assembly that Government did not want to be charged with having encouraged the development of industries at the present time to suit their own purposes and for those essential war needs which must some how or other be met by industrial development in the country and having done that, with leaving those industries high and dry, to take care of themselves and to meet all those blasts of

unfair competition which are likely to blow severely once peace is restored. I went on to say that the Government of India was considering the question, at any rate personally I and my department, were considering the question how far a liberalisation of the conditions laid down by the Fiscal Commission was possible and if such liberalisation was possible in what terms the announcement of that liberalisation may be made. At the various meetings I had with commercial bodies I explained the position further. I said that there were two categories of industries with which the Government of India would concern itself—industries which will come into existence or be developed during this war period—first those industries which are directly needed for the war effort of this country and the starting of which Government encourage for that war effort, industries which are essential for the war needs of the country. I said “But that was not all”. The same assurance would be conveyed to those essential industries which would have to be brought into existence to meet the essential requirements of the civilian population. These are the two classes of industries with reference to which Government is contemplating some sort of assistance at the end of the war provided they are started during the war and are kept going. I stated that of course one has to satisfy himself that these industries are run on business lines, that a reasonable amount of efficiency exists in the management of these industries, and that these must be taken as the preliminary requisites which I trusted no industrialist would object to. Then I went on to say that Government would be doing no service to the industrial community if they were merely to stop short there, and that it would not really give any indication to the entrepreneur to start his industry if Government were to lay down barely these two propositions. A number of ventures may be started,—some which may somehow thrive during this special period of the war when imports are almost at a standstill but which on a closer examination could not really be encouraged or could not have the chance of maintaining themselves after the war with any amount of reasonable assistance in one form or another that Government may be capable of giving. Some there may be which under the present stress of circumstances may develop but which it would be unreasonable from the point of view of the larger interests of the public to foster and encourage by those methods which are well understood by students of protection, after the war and under peace conditions, and in the interests of the general public, Government may not find itself in a position to encourage the development of those industries, though the entrepreneur, knowing that he can make good profits during a short period, may of his own volition come forward at the present time and take the risk of starting this industry and also the risk of scrapping the machinery at the end of the war. These things have been done in other countries and I have no doubt that these things are being done in India with the full knowledge that the life of that particular venture is bound to be short and that there is no loss incurred or capable of being incurred if, with the knowledge that it is going to be short, this particular entrepreneur takes upon himself the task of starting the industry. If, therefore, the danger of developing each and every kind of industry, simply because in the conditions prevailing during the war such development is facilitated, is to be avoided, or at any rate if a reasonable hope that after the war certain industries will be protected is to be given by the Government, then obviously any sort of general statement that industries

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

developed during the war will be protected after the war will be of no help and, what is far more important from the Government point of view, that assurance cannot be implemented by the Government. Therefore it was that I went a step further. I made it quite clear that each industry should come to the Government and should place its case for the time being before Government and Government would examine the scope of the industry, the needs of the industry, what it fulfills in the general economy of the country and Government would, with reference to that specific industry—not with reference to any specific concern but with reference to that specific industry—give a general assurance that whoever starts that industry will be protected in some way or other at the end of the war when peace conditions return. Now individual industries have come up to Government and from time to time the Commerce Department has issued communiques on the subject that if such and such industry is started and developed during the war, at the end of the war that industry will not be left to take care of itself but that by such methods as are open to the Government of India, care will be taken to preserve that industry against unfair competition. And let me state here what I mean by “unfair competition”, because in some quarters a doubt has been thrown whether by “unfair competition” I am referring to what is commonly termed “dumping”. I may state that I am not referring to dumping when I speak about unfair competition. I use that expression “unfair competition” in the same sense in which Tariff Boards have used the expression “fair competition”, that is to say, that the conditions of competition in the internal market between the imported commodity and the indigenously manufactured commodity must be fair, must be equal. Those conditions have been described by the Fiscal Commission; those conditions have been analysed with reference to individual industries by Tariff Boards, and it is that fair competition that I have assured to those industries, selected and individual, which have come before Government or which may come before Government hereafter and which after a preliminary examination by the Government have received the general assurance of the Government in the Commerce Department that at the end of the war they will be safeguarded. What kind of safeguard will be given to them I have stated that I am not in a position to suggest at present; it will depend upon the conditions then prevailing. It may be by a protective duty, it may be by a subsidy, it may be by other methods such as those that have been described in the course of this debate—facilities of railway rates and so on—it may be by a number of these methods, but, as the House will easily realize, it is impossible here and now, with reference to conditions that may arise in the future of which I cannot predicate with any certainty at present, to give a definite assurance of the kind of protection that can be given. Nor does the industry require it. What is wanted at the present time is that in those conditions which may arise it will be safeguarded, so that it may meet in fair competition other products of other countries in the internal markets of this country.

Dr. Sir Ziauddin Ahmad: May I ask one question about this point? Are you setting aside any sum of money to give to these industries when such conditions arise?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: No, Sir, no money is being set aside at present for the purpose. In the first place,

that involves that the only form of protection that can be given is a subsidy. I said that is a matter which must be considered and that one of the forms which assistance may take is a subsidy so that it will be impossible for Government to set aside a sum of money for such subsidy at the present moment. That is apart from the fact that financial conditions are what they have been stated to be by the Honourable the Finance Member only yesterday. In the light of those assurances a certain number of industries have already come up before Government and communiques have been issued from time to time regarding those industries. The Commerce Department has now before it half a dozen other applications which they are considering. My Honourable friend, Sir Raza Ali, referred—and if I may venture to say, rightly—to the cumbersome procedure of a Tariff Board investigation. I realized it from the moment war broke out and from time to time I have stated that these are not the times when a Tariff Board can be asked to investigate the conditions of any particular industry. Therefore it is that with reference to those industries Government have short-circuited that procedure and made an *ad hoc* examination through its own officials in the Secretariat and otherwise if possible and where they have come to the conclusion that a *prima facie* case has been made out regarding the value of that industry in the present circumstances and the need that may arise at the end of the hostilities to have that industry protected they have given the assurance. Honourable Members have stated again that there are many other ways in which Government can encourage and foster the development of industries and I want this House to realize, when so much attention is concentrated both by the House and by the industrialists on what I may call the tariff policy of the Government, that is to say, the raising of duties as a protective wall for the fostering and development of indigenous industries, that there are other ways in which industries can be helped, notably the system of purchases by Government. That I consider is a method of helping the industry which has not received sufficient attention both at the hands of this House, if I may venture respectfully to say so and even more and that is surprising, at the hands of the industrialists. Now at the present time there is no doubt about it that Government is doing all it can with reference to its purchase policy. But that has been the policy of the Government of India for the last 20 years. Honourable Members may cast their memories back and they will find that one Department of Government at least was specifically constituted for this particular purpose. I refer to the Indian Stores Department of the Government of India. That Department came into existence and it was developed under the fostering care of that great Chief Controller, Sir James Pitkeathly, who has done so much to stabilise the Indian Stores Department. From the year 1922, when that Department was organised, it has been the business of the Chief Controller and the members of the Department to see to it that by the policy which they carried out, a policy laid down by the Government of India in constituting the Stores Department, the industrialisation of this country is advanced apace and the fostering of the industries of this country is made possible.

Dr. P. N. Banerjee: You have to do much more.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar:
I am coming to that.

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

Now, at the present time the activities of that Department have increased enormously. Honourable Members are aware that the Supply Department, which has incorporated the Indian Stores Department now, has enormously increased the demand it has made on industries to supply the requirements of the Government. There has been an exhibition upstairs of this Assembly Hall which shows the kind of articles that are being manufactured now and with reference to it I may say that it is not merely that the Department has just taken whatever has been manufactured by the various industrial concerns but the Department has taken upon itself the task of planning by telling the industrialists what they can do and by trying to get one industrialist in contact with another, so that by their joint effort they can produce an article which neither of them was producing before. In many other ways this planned production about which economists have spoken so long and so effectively is a thing that is in existence today so far as the Supply Department and the Stores Department of this Government are concerned.

There is one series of articles which is of peculiar interest to this country, the drugs. I said in one of my speeches that it was a tragedy that during one generation within my own memory, within 25 years, this country should have depended so much on essential drugs for imports from Germany and that human life could not be saved, human miseries could not be alleviated, merely because in our own country we have not had the facilities and we have not developed that industry which is essential for the civil needs of the population. I emphasised the fact that it was not merely for war needs alone but for civilian needs also that the Government was equally anxious to promote those industries which are essential and to give them some sort of guarantee thereafter. Now, so far as the drugs industry is concerned, we have been doing everything possible to enable the starting of manufacture and the production of drugs of various kinds. I must pay a tribute to the indefatigable energy and the enthusiasm which the Director-General of the Indian Medical Services, Colonel Jolly, has shown in this matter. Chemists and druggists and manufacturers, particularly in the City of Calcutta, know fully well how much Colonel Jolly has been able to do in this matter and how deeply interested he is in seeing to it that this manufacture is forced apace. There, again, the policy that he has adopted of ensuring that the requirements of the various hospitals in this country are taken from the indigenous products, provided, of course, they satisfy medical tests is responsible for the present state of thing, and also how much that policy has in itself without any other kind of protection, encouraged the manufacture growth and development of this industry and is calculated even more largely in the future to encourage that industry.

We have taken up again the question of the manufacture of surgical instruments and in both these cases may I say, though the Honourable Members often suggest that non-official opinion has not been taken into confidence, that we are not working in a vacuum. We do not imagine for a moment that the monopoly of wisdom lies in Government Benches or in Government Secretariat. Quite the contrary; we do feel that occasionally (!) others also can help us. My Honourable friends will know that on the Drugs Committee there are professors of chemistry, professors who have a good knowledge of the drug industry who are helping the Government with their advice. Professor J. N. Ray, who is one of the foremost

in this science, has been added to a Committee and on which my own Department is represented and which is presided over by the Director-General of the Indian Medical Services. They have systematically examined and are laying down the kind of drugs that can be manufactured and that ought to be manufactured in this country, and Government is encouraging the manufacture of these drugs.

I may refer again to the Board of Scientific and Industrial Research itself which is doing research in various matters. For the purpose of developing these very industries, the Board of Scientific and Industrial Research consists of practically all non-official scientists and industrialists, and one of the function of the Board is not merely to conduct research but to bring that research to the notice of the industrialists concerned. At the last meeting the members of the Board went further and said that they would like to have the power to suggest to the Government of India as a result of the application of that research to any particular industry that conditions are such that the Government may take up the question of protection to that particular industry, a recommendation which I have accepted. That is to say, the Members of the Board of Scientific and Industrial Research will not only deal with the question of mere research but if they find that research, as applied to a particular industry, deserves the consideration of the Government for a preliminary examination whether protection is necessary or not, they are at perfect liberty to make that recommendation to the Government.

Then, again, I might refer to one other matter. Honourable Members may have read—I hope they have read—something of the communiques that were published from time to time by the Government with reference to the recruiting and training of technical and skilled labour. Now, the whole foundation of industry, particularly of what I might call the heavy industries section, with reference to which, again, neither this House nor the public have been paying that attention which it deserves, depends upon technical, mechanical and skilled labour. You cannot develop that heavy engineering industry which is most vital for most purposes of the war without technical and skilled labour. But it is more than that. That is the foundation for the development of all machine industry, otherwise we must continue to import machinery for all time to come. It is the foundation for the tool making industry which in many countries is so lacking, even in the United Kingdom, that without importing tools from the United States of America they are themselves unable to proceed very much further in the expansion of their machine industry and heavy engineering industry at the present time. Government have for the first time taken upon itself the task of training as many skilled labourers as possible, the total number of which may come to 20,000. Here I must express my indebtedness to the Honourable the Finance Member for he has placed nearly a crore of rupees at the disposal of Government for the purpose of training these 20,000 skilled labourers. What effect it would have on the future development of the industry and whether in itself it is not one of the greatest contributions that Government may make for the orderly development of future industries, I leave it to the House to judge.

Now, Sir, I have gone into some of these details to show how at the present time the policy of the Government is being pursued. In one of

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

the *communiqués* that have been published you will find that a particular industry has been promised protection after the war notwithstanding the fact that the raw material which it uses is imported from abroad. The first condition of the Fiscal Commission has been laid aside for the time being and that is the liberalisation which I referred to or hinted at when I was last making my statement in this Assembly. But again I must say that it is only with reference to individual industries that these kinds of conditions can be liberalised. The statement that any industry can be started without any reference to Fiscal Commission conditions would, as the Honourable Professor rightly remarked, be disastrous to the country and disastrous even to the industry itself. These are methods by which the Government are at present pursuing their fiscal policy and their industrial policy.

It was only the other day that Government issued a *communiqué* with reference to sugar, with reference to iron and steel, with reference to gold and silver lace thread. It is not intended as ought normally to have been the case, to set up a Tariff Board, because the protective period comes to an end on the 1st April, 1941. The conditions are such that no Tariff Board can do justice either to itself or to the industry concerned if it takes upon itself an investigation of the question at the present time.

Sir, this Resolution requires a Committee of officials and non-officials to go into the question of how the fiscal policy, the present fiscal policy of the Government of India may be modified. I have said that at the present time, there is a special policy which has been adopted by the Government of India. I take it that the Honourable the Mover is referring to the fiscal policy as laid down in the Fiscal Commission report which has been followed by the Government of India till the outbreak of war. I quite recognise that these matters require to be overhauled, that a thorough investigation is absolutely necessary and will have to take place at the end of the hostilities and when peace conditions are restored.

Sir Syed Raza Ali: Why at the end of the war? Why not now? Is these any particular objection now? I should like the Honourable Member to develop that portion of his theme.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I thought that was the point I was developing during the last twenty-five minutes: that at the present moment conditions are absolutely abnormal; that individual industries should have to come up for assurance, that Government themselves would like to be free without the paraphernalia of any Committee or any Board to give immediately the assurance that is required so that the industries may be started as soon as possible. To interpose any sort of Committee at this time would merely mean that Government will have to stay its work, hold its hands while investigations are being made which must necessarily be the case. You cannot have a new policy which is being pursued during the period of the war by the Government and an examination *de novo* of the whole question of fiscal policy side by side during this period.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): On one point I want information. I should like to know if the Government can give us an assurance that the 72 crores—or 20 lakhs a day—which

are going to be spent according to the Honourable the Finance Member will be spent on industries in India and will not go out of the country?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am sure, the Honourable Member will have opportunities in connection with the Finance Bill debate to raise this question specifically and both the Honourable the Finance Member and the Honourable Member for the Supply Department will be able to answer this question. But I can assure the Honourable Member here and now that all these developments could not have taken place unless most of the money was being spent in this country. I thought the complaint of my Honourable friend Dr. Sir Ziauddin Ahmad was that they were being spent with reference only to a few individuals and that they are not being spent at large by placing orders with a large numbers of industrialists and manufacturers. That, however, is a different question.

But I was on the question why it is not possible at the present time to have such a sort of committee to investigate the whole question—I was going to say that the House will not be surprised if it finds that the very industrialists would not welcome at the present time this kind of investigation. It will rip open all possible issues arising under it, not merely the issue of protection, but believe me, other issues which may not be so palatable to those who want industrial development or to those who call themselves protectionists—like the issue which my Honourable friend raised whether monopolies were developing, like the issue whether the consumers' point of view was being considered, like the issue whether the industry should be taken up by the Government and state-owned, or whether it should be allowed to private individuals to start and develop—a whole host of issues which will merely create chaotic conditions both with reference to labour and with reference to capital and will not be of use either to the industrialists or even to the Government. That is what I am afraid of in starting an enquiry at the present moment.

I have said I have no doubt whatsoever that at the end of the war an investigation of that kind is not only likely, but in my opinion inevitable, that conditions will be such that such an investigation must take place, that the whole policy will have to be re-examined, re-examined from many points of view and, may I emphasize one point of view which I have heard with some satisfaction, an observation which fell from my Honourable friend, Dr. Banerjea.

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

We want a balanced economy in this country. We talk of industrialisation, but the voice of the agriculturist is not so frequently or so loudly heard as one would like to hear. Faced as I am now with the problem of the disposal of surplus production, it has brought home to me as it never did before how much the fate of the agriculturist depends upon the export markets of the world and what close and inextricable relationship there is between the export markets and the import markets of the world.

Now, Sir, these are all questions which have to be decided at the end of the war, and, we hope it will be very soon when more normal conditions will prevail and at that time, I, personally, would welcome the suggestion that Sir Syed Raza Ali has made for the appointment of such a Commission. I trust that after what I have said, it will be realised that

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

it is not lack of sympathy, it is not lack of understanding that prevents me from accepting this Resolution, and on that assurance, I hope my Honourable friend will not press this Resolution to a Division.

Mr. E. L. C. Gwilt (Bombay: European): May I ask one question? The Honourable Member has referred to the drug industry and by that I presume he includes fine chemicals and since the drug and coal industries are so closely allied, may I ask what is being done by Government to develop the coal industry in the country which industry of course, already exists?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: What does the Honourable Member propose for the development of coal industry?

Mr. E. L. C. Gwilt: What research work is to be conducted of the by-products of coal in relation to fine chemicals?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: So far as the by-products of coal are concerned, that is one of the problems which has been referred to the Board of Scientific and Industrial Research. I understand that on that question a sub-committee has been constituted and its report has not yet come to me, but seeing that it was only three months back it was set up, I felt that I could not hurry the work of the committee. I hope to have the report at the January meeting, which will be held in Calcutta.

Dr. Sir Ziauddin Ahmad: In continuation of the same point, may I ask whether a research of this kind is being done in the School of Mines at Dhanbad? If not, will the Government encourage research work of this kind in that school?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: If the Honourable Member refers to the fires that are taking place in the coal mines to which I see he has adverted his attention by way of a question, I can tell him that it is actively under the examination of the Coal Mines Stowing Board. With reference to other researches in coal mines, some of the Professors at the Dhanbad school are continually engaged in that kind of research work.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I ask the Honourable Member whether his speech means that he has undertaken on behalf of Government to appoint a committee like that at the end of the present hostilities, and on that understanding he wants the Resolution to be withdrawn?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I can only say that as I see the picture at present, I see the inevitability of the necessity for the appointment of some such body at the end of the hostilities to review the whole question. More than that I cannot commit the Government which will be in existence at the end of the war. I might be able to do that if I knew the exact duration of the war, but not knowing that it will be impossible for me to go much further than that.

Sir Syed Raza Ali: Sir, it was very encouraging to find my old friend, the Commerce Member, making a confession, in spite of the fact that he has held this important portfolio for well over a year, that during this time he was delighted to find an occasional display of sanity even among non-official Members. That was, I believe, a remark which delighted not only some of us on this side of the House but would have been a revelation to himself some years ago when he very eloquently pleaded the public cause as an elected Member of this House.

I must say at once, Sir, that the Honourable Member's speech was a conciliatory one. It was a speech in which I saw some indistinctly visible vein of sympathy if carefully looked at. I will not refer to other matters but what is passing in my mind and what I daresay is passing in the minds of some of my colleagues on this side of the House is the well-known English proverb, "Jam tomorrow, jam yesterday, but never jam today." My Honourable friend has no hesitation in saying that given a desired set of circumstances he for one is prepared to concede the inevitability of the whole question being gone into by the Government of India after the war. That means tomorrow. What most of us really consider is that during the progress of the war, having regard to circumstances over which perhaps not many of us have a direct control, a state of things has come about which enables the Government of India to give effect to their own wishes and their own fancies, irrespective of public opinion. That applies not only to commerce and industry but to practically every walk of the unfortunate Indian life. I am not here to apportion blame; I do not know who is to blame for this. The fact, however, remains that whether it is one Department of the Government of India or the other, the stern fact remains that Government today, in spite of the terrific struggle that is raging in three continents, are as irresponsible as they were on the 2nd January, 1921. No doubt, my Honourable friend has been full of sweet words; he knows how to be reasonably sweet at times and on occasions. He would not be a public man if he did not know that. But the point is this. My friend has said that occasionally even non-officials cannot be wrong

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Surely my Honourable friend is doing an injustice to himself apart from doing an injustice to me, if he takes literally a statement that was made by way of a joke when I turned to my Honourable friend, Mr. Joshi. Throughout my career as Commerce Member, at every stage wherever I possibly could have, I have had the assistance of non-officials and the advice of non-officials. My Honourable friend certainly cannot accuse me of having no regard for non-official opinion. As he has himself pointed out, I was a non-official myself for the greater part of my public life and till the other day.

Sir Syed Raza Ali: Sir, the withdrawal of those unfortunate and mischievous words has filled my heart with joy. All I can say is that my friend should remember that though jokes may have their value yet there are times for indulging in them. He is a man who takes a serious view of life, and very rightly too, and I thought his speech was a serious speech, and that is why I was led or misled into making that mistake. However, I will say nothing more about it. My Honourable friend in the very timely interruption he has just made referred to the very great value he attaches to non-official opinion. I should not be surprised at that remark having regard to my Honourable friend's long association with public life. But the point on which I was dwelling is this. Whether you take one Department

[Sir Syed Raza Ali.]

of the Government of India or another the fact remains,—let me repeat it,—that non-official public opinion is not in a position to influence the Government of India, whether it be in the Department of Commerce, or any other Department. This side of the House is entirely impotent to influence the Government of India. It is not the be-all and end-all of Indian industrial progress to have a committee of officials and non-officials as proposed in my Resolution. The point is that having regard to the storm and stress through which we are passing, having regard to the fact that crores and crores of rupees have been spent and are being spent and more crores will be spent on the prosecution of the war which has a direct effect on the growth and revival and development of our industries, whether the time has not come for my Honourable friend to have the assistance of a committee which will be composed not only of non-officials but of officials as well. In fact, I must say at once that I am more concerned with the representation of the non-official side of this House and non-officials in general than with official opinion.

All the same the important point is: does not my Honourable friend see that a committee on which there is a number of efficient qualified experienced non-official Indians is likely to be of much greater help to him than if he were to carry on with the help of his official advisers alone? That really is the point. I have no doubt that referring to the inevitability to which my Honourable friend referred so constantly, at the end of the war in all likelihood, a commission will be appointed and a re-examination of the whole problem will be made through an impartial and strong commission. That may be; but what about the time between now and the end of hostilities? My own impression is that this time should not be lost. Nobody is going to lose. As a matter of fact my Honourable friend knows that having regard to the terms of the resolution, these non-official members, if this committee is to be appointed, are not going to make large encroachments on the rights either of my Honourable friend or of any other officials who at present help him

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: If I may interrupt, I was trying to explain the point in the whole course of my speech: apart from the time of the officials, will not this committee naturally—I cannot myself envisage any other possibility—examine the present state of the protected industries with a view to seeing whether the conditions which the Fiscal Commission has laid down are necessary or whether other conditions should be laid down, more stringent or more liberal? And at a time when every industry is occupied almost to the full with war production and other kinds of production for particular needs, I find it extremely difficult to believe that industries will welcome the sort of investigation which either a Tariff Board or a committee of this kind will have necessarily to make with reference to their production, with reference to their cost, with reference to the conditions under which they have grown under the protective system. That was the greater difficulty.

Sir Syed Raza Ali: I will just say one word in reply. No doubt the words used in the Resolution are “to examine the present fiscal policy”; but after all this Resolution will not be binding, even if it is accepted: the Government of India can always make their own modifications and alterations. Let me say at once that I am not for those industries which already enjoy protection being subjected to a further inquiry during the course of

the war. Therefore, it would be open to the Government of India and to my Honourable friend, if he is prepared not to oppose the passing of this Resolution, to have a committee appointed subject to such conditions and terms as may seem to him fit and proper. I want this committee to be helpful to the Government. I do not want this committee to come into conflict with the Government or to conduct itself in such a manner as to hamper the pursuing of a right policy by the Government of India. But if the Official Benches are right in saying—and they say it very often—that they would welcome any cooperation by the non-officials—then I believe that as an earnest of Government's professions it would be a fit and proper thing for my Honourable friend not to oppose the passing of this Resolution.

Only one more word and I have done. This Resolution does not bind the Government—no Resolution ever does: not even in the House of Commons are resolutions binding on His Majesty's Government. The same is the case here—in fact it is much more so here than in England as my Honourable friend knows. Therefore, while I am not prepared to suggest that if this Resolution is carried, it will bring in a new heaven and a new earth, I certainly am inclined to repeat that if the Government of India abstain from opposing this Resolution and if it is passed and as a consequence a committee of the nature which commends itself to my Honourable friend is appointed, it will surely restore to a greater extent, than is the case today, the confidence of non-official India.

An Honourable Member: Withdraw.

Sir Syed Raza Ali: I am not prepared to withdraw.

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

"That this Assembly recommends to the Governor General in Council to appoint a committee of officials and non-officials to examine the present fiscal policy of the Government of India and recommend suitable modifications."

The motion was negatived.

MOTION FOR ADJOURNMENT.

NON-HOLDING OF THE SESSION OF THE LEGISLATIVE ASSEMBLY FOR A LONG TIME.

Mr. President (The Honourable Sir Abdur Rahim): Before I pass on to the next Resolution, I may inform the House that His Excellency the Governor General has been pleased to disallow the motion sought to be moved by Pandit Lakshmi Kanta Maitra on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

RESOLUTION *RE* APPOINTMENT OF A PERMANENT MUSLIM PILGRIM OFFICER IN THE SECRETARIAT OF THE GOVERNMENT OF INDIA.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, I beg to move the Resolution that stands in my name. The Resolution runs as follows:

"That this Assembly recommends to the Governor General in Council that a suitable Muslim be appointed as permanent Pilgrim Officer in the Secretariat of the Government of India to be in charge of the work connected with pilgrimage to the Holy places in the Hejaz, Iraq and Iran and all matters connected with pilgrims."

[Mr. H. M. Abdullah.]

Sir, Haj is one of the most essential duties enjoined by the Holy Quran upon a Muslim. It is always the devout wish of every Mussalman to visit the holy places once in his life. Although the performance of Haj is obligatory on the rich alone, yet even the poor make every possible effort to see Mecca and Medina once in their life. Consequently, a large number of Indian Muslims go to perform this sacred duty every year. In their way the pilgrims have to encounter all sorts of difficulties. Their troubles begin when they reach at the ports for embarkation on ships. The shipping companies do not stick to the advertised dates of sailing of the ships with the result that the Hajis waste their time and money at the ports. Before getting into the ships they are required to have themselves inoculated against all sorts of epidemics, real or imaginary. After passing through all these ordeals, they secure a seat on a ship which is very uncomfortable. They are given very bad food. Some of the pilgrims fall ill during their journey. Their tale of woes does not end there. As soon as they reach Jeddah, the Arabian Government is found ready to impose all sorts of levies on them. The grievances of the Hajis have been voiced every year on the floor of the Assembly, but no attempt has so far been made to ameliorate their miserable condition. It is true that some years ago an Act was passed for the appointment of Port Haj Committees at the ports of Bombay, Calcutta and Karachi. These Committees have not been able to do much to improve matters. The Committees do not take a genuine interest in solving the difficulties of the pilgrims. The Muslim Members of this House have come to the conclusion that the position in this respect will not be improved unless a whole time Muslim officer is appointed to deal with the question. We are thankful to the Government of India for what they have been doing so far in this direction, but as mentioned above, it is not possible for the officers of the Education Department who are generally non-Muslims to appreciate the difficulties and grievances of the Hajis. Only a Muslim officer with experience can do justice to this duty. His appointment will not involve much expenditure. The demand is a reasonable one and the Government should take a generous view and accept this modest Resolution. Sir, I move.

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

"That this Assembly recommends to the Governor General in Council that a suitable Muslim be appointed as permanent Pilgrim Officer in the Secretariat of the Government of India to be in charge of the work connected with pilgrimage to the Holy places in the Hejaz, Iraq and Iran and all matters connected with pilgrims."

Khan Bahadur Shaikh Fazl-i-Haq Piracha (North-West Punjab: Muhammadan): Sir, on the last occasion when I spoke on the Indian Merchant Shipping (Amendment) Bill in this House, I placed before you some of the numerous grievances and inconveniences of the Haj pilgrims on board the ship sailing from Indian shores to Jeddah. I described, Sir, the way in which the comforts of pilgrims travelling on the ships are ignored by the shipping companies, and there is no authority for practical purposes to question these shipping companies about their misconduct. Of course, there is the Government of India, its big Department of Education, Health and Lands, under which the Haj section is administered, with its Secretaries and an army of Under and Joint Secretaries. I also know, Sir, that there are Port Haj Committees and Haj Committees in every province and

a Central Haj Committee, of which I have the privilege of being a Member from its very inception. But, in spite of all this, it is very painful to me to say that, no serious and genuine attempt is made to remove the difficulties of Hajis, and their grievances are increasing from year to year. The Port Haj Committees have no voice in these matters. Their advice is very seldom accepted and cared for. Since the inception of these Committees, no doubt they have relieved the Government of a good deal of expenditure which they used to incur, because that expenditure has now fallen on the poor pilgrims in the shape of Rs. 3 as the passport fee. No doubt the Government is very much benefited, in shifting their so-called responsibility on to the shoulders of the Committees. I have seen various reports and Resolutions of the Port Haj Committees and also read the reports of many Amirs-ul-Haj. None of them ever describe the voyage conditions of the pilgrim ships as satisfactory. The Provincial and Port Haj Committees are always crying on account of their helplessness in regard to effecting improvements they desire to make because they have no power in their hands. Sir, I know by my own experience, both by information, as well as through letters to me as also through the press, that the authorities concerned do not at all realise the importance of this question, and they only treat the Haj affair as a very minor and unimportant matter. They seem seldom to devote much of their attention for the proper handling of this question in order to remove the difficulties of the Haj pilgrims. I do not blame them, that they are not discharging their duties in a proper manner, but I say that under the circumstances which exist now, they cannot do the right thing which should be done in the interest of the pilgrims.

The Department under which the Haj section is administered is not a stationary department, attached to a permanent member of the Governor General's Council. It changes hands from one Member to another from time to time. In the same way, the Secretaries are also not permanent. Sometime there is one Secretary or Under Secretary and at another time there is another. Who can say that everyone who comes in and takes charge of this section comes with full knowledge and experience of this question? It is absolutely natural that when the principal officer is changing from time to time, a uniform and consistent policy compatible with the needs of the pilgrims cannot be conceived. I can, Sir, put before you instances in which the officers cannot claim any knowledge of the Haj affair except what they learn from files placed before them. In the circumstances, no one can do anything in a proper manner. Performance of the Haj is one of the fundamental duties of Muslims. "Pilgrimage to the House (the Ka'aba) is incumbent upon men for the sake of Allah, upon every one who is able to undertake the journey to it", is a clear injunction from the Holy Quran. And it is, fortunately or unfortunately, the only religious function which has come under the jurisdiction of the Government of India, and it is the most neglected one. Government for itself has taken the responsibility of managing and arranging the journey to Hejaz for Indian Mussalmans. It now cannot shirk its responsibility for good arrangements. They have to do it. They are bound to adopt such measures as are useful and necessary for the comforts of the pilgrims. The Resolution of my esteemed friend, the Mover, seeks nothing more than a correct way of solving the long-aged grievances of the Muslim community in connection with the Haj pilgrimage and its traffic. If my friend's Resolution is accepted by the Government and a permanent Pilgrim Officer is appointed in the Secretariat of the Government of India,

[Khan Bahadur Shaikh Fazl-i-Haq Piracha.]

I am quite sure, Sir, that by his experience and thorough knowledge of the question, Government will be able to look to the matter in a much better manner. This officer must be one who has perfect knowledge of this question and who can command the highest confidence of the Muslim community. This officer, if appointed, will, of course, have to be present at the pilgrim ports during the Haj season so as to see things for himself, so that he may be in a position to make suggestions to the Government to effect the necessary improvements for the comforts of the pilgrims. If required and if it is found necessary, he will also have to travel with the Haj pilgrims in the pilgrim ships and look to their conditions on board the ships. He will be, as a matter of course, an asset to the Haj section in dealing with all matters relating to the pilgrim traffic and shipping, etc. I wonder how the Government can oppose a useful and advantageous Resolution like this. The Honourable Member in charge of this section knows himself how correct opinion based on a knowledge gathered from experience is necessary. He might say in this connection that he has the good services of the Central Standing Haj Committee at his disposal. But, Sir, without discrediting the good services of this honourable Committee, of which as I have said before, I have also the honour of being a member, I could not yet understand the real utility of this Committee. It has no powers to initiate. It has no executive authority. Its findings and resolutions, as my experience tells me, are not binding on the Government, nor are they acted upon or given effect to. It is a mere body to elude the general public. It has its existence only on the records of the Department of Education, Health and Lands, to satisfy those who, as a matter of fact, know very little of these vital questions which primarily affect my community. I do not suggest for a moment that this Committee should be abolished or its good offices should be abandoned. What I mean, Sir, is that if the Government of India genuinely want correct advice and experienced opinion on the matter of Haj pilgrim traffic, they must have an officer with special knowledge and experience on the subject. That officer will be useful to the Central Standing Haj Committee as well as to the Port Haj Committees. There are no—and there have never been, if I can say so—officers in this section of this Department of the Government of India with real and direct knowledge of the Haj questions. That is why its importance to the Muslims is not recognised by the Government. Some of us have suggested to the Government that, on the practice of the Ecclesiastical Department of the Government of India, this Section of the Education, Health and Lands Department should be a revolving Section to be always attached to the Muslim Member of the Government of India. As the Government of India did not see their way to concede this, I think, Sir, that they should have no objection in accepting this Resolution. There is one more objection which may be put from the Government. And that is the financial aspect of the question. Considering the importance of the Resolution, this objection cannot be considered but a frivolous one. Government can easily find money for this purpose. When so many special officers are appointed in almost all the departments of the Government, I do not think that Government will grudge to spend a few thousands every year for better arrangements for Haj, and by so doing win the sympathy of the Muslim public. The question of Haj means the protection of health and life of thousands of Indian pilgrims who every year go for Haj and who often belong to a class of people of advanced age and who require all possible convenience and protection. Sir, with these few words I support the Resolution.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): The Resolution moved by my Honourable friend, Hafiz Muhammad Abdullah, and so ably supported by Khan Bahadur Shaikh Fazl-i-Haq Piracha, is a very important one, and its importance has many aspects. As pointed out by my Honourable friends, Haj or pilgrimage is obligatory upon the Mussalmans in-as-much as it is a fundamental article of faith with them. Every Mussalman with means of travel at his disposal is bound to pay a visit to the Holy Land, once at least in his lifetime. And this reminds me of how the British Government came to be regarded as a Muslim Empire. Once a gentleman said that as the greatest number of Muslims lived in this Empire, therefore, the British Empire was, in fact, a Muslim Empire. In the same way, Mussolini assures us that he is the protector of Islam. His protection of Islam has been exposed. Now, it is for the Government of Great Britain to show that it has really some sympathy with the Mussalmans, who are the bulwark of the military strength of the Empire. In their thousands, in their millions they are ever ready to die for her. In the Great War of 1914-18 Mussalmans showed that as a military element in the life of the Empire they were indispensable. Then came this war. In this war, as pointed out by the Honourable the Finance Member yesterday, India is spending Rs. 20 lakhs a day—mind you, 20 lakhs a day which comes to 72 crores of rupees a year. And the Mussalmans are spending not only money—they have very little money, the larger amount is being paid by the Hindus, but they are spending their blood in rivers. To grudge such a small concession to a nation of ten crores on whom Haj is obligatory, would be highly impolitic. After all, what does this Resolution say? This Resolution calls upon the Indian Government to appoint a special pilgrim officer attached to the Imperial Secretariat with responsibilities, and with power. His status should be that of a Deputy Secretary, and the Pilgrim Department should be his charge.

Mr. N. M. Joshi (Nominated Non-Official): You are asking something more.

Mr. M. S. Aney (Berar: Non-Muhammedan): Much more.

Maulana Zafar Ali Khan: I have a right to ask much more.

Mr. N. M. Joshi: Tell us that.

Maulana Zafar Ali Khan: So far as the object of this Resolution is concerned, I am content if the Government appreciate our point of view. If this pilgrim officer, if this Deputy Pilgrim Secretary is appointed, the majority of the Muslims of India would be satisfied. They do not care about other things. The ordinary Mussalman in the street says, what has this Government done for us. When he starts on pilgrimage his troubles commence from the very start. They go along with him at the port of embarkation, they go along with him up to Jeddah. After he arrives at Jeddah, he finds that something has been done by Ibn Saud's Government to alleviate this suffering and to relieve his troubles. But as long as he is on travel his grievances remain unremedied, unredressed. So, the time has come when the Government should not grudge this small concession to the Mussalmans and I assure them that if this is done their prestige would rise, they would become popular with the Muslim masses. And if this object is achieved, Government should thank their stars. You must keep in

[Maulana Zafar Ali Khan.]

view the political aspect of the question. Between India and Germany stands only Turkey, Persia and Afghanistan. Once the straits are crossed war comes nearer India. And who is going to stop that onrush of Hitler and Mussolini? That rush would be stopped by the people of India, by the Mussalmans with the aid of the Hindus. Whether we embarrass you or not in this war, whether you give us Dominion Status or not just now or after the war—that is quite another question, because I am one of those who are definitely of the opinion that we should not embarrass the British Government just at the present moment when it is engaged in a life and death struggle. Our support should be unstinted and unconditional, but after the war is over we will see to it that the promises that you are making, so liberally, are fulfilled. If you do not fulfil those promises then the time will come for me to raise the standard of revolt against you if you are still of the same mind as you have been up to the present moment. The political aspect of the question is that the Mussalmans stand between you and Germany—the Axis powers on the one side and the Mussalmans of India on the other side, while between them lies a great belt of Muslim States. When we fight for you, when we shed the last drop of our blood for you, would it not be base ingratitude not to give us a small concession in the form of the demand that we have made in this Resolution? I think the question is quite plain. The Resolution as it stands does not impose any great burden on you financially. You spend millions and millions on various departments. You draw fat salaries of Rs. 4,000 and Rs. 5,000 a month. We only want an officer of the status of Deputy Secretary drawing two thousand rupees a month and then the masses would be satisfied. With these words I strongly support the Resolution.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I have listened with attention and, if I may say so, with sympathy to what has fallen from the Honourable Member who moved the Resolution and from the Honourable Members who followed him and I am grateful to Honourable Members who have spoken to the Resolution that they have refrained from dragging in long lists of the grievances of the pilgrims. I am free to admit that the lot of a pilgrim, of a deck passenger travelling in a pilgrim ship, is not an enviable one and I would admit also that though, do what we will, it can never be possible for deck passengers in pilgrims ships to travel in real comfort, that is no reason for our not doing all that is in our power to alleviate their discomfort. Where I am afraid I must join issue with the Honourable Member who proposed the Resolution is as to the remedy that he proposes. There is, I am afraid, no panacea for the troubles that afflict deck passengers, in pilgrim ships, and the point that I wish to make is that the remedy which he has proposed is of very doubtful value even as a palliative, even to ameliorate their condition.

Sir, the welfare of the Haj pilgrim is safeguarded and protected by an elaborate code of statutory provisions and rules evolved over a long period and with the help of such *ad hoc* bodies as the Haj Inquiry Committee of 1929. That code which is designed for the protection of the pilgrim is still from time to time being amplified and developed but, broadly speaking, the work of the Department of Education, Health and Lands with regard to Haj pilgrimage is the administration of the code as it stands and secondly the consideration and examination of the complaints that we get from the pilgrims and from the Haj Committees. It is not in the main

religious work. That is work of administration. From my own experience I should say there is very little in the day to day administration of the subject of Haj pilgrimage that calls for the assistance of an officer of any particular community. Should such points arise and if there is time, the department can have the help which it has enjoyed in the past—I should be the first to be grateful for it—of the Standing Committee. Should an urgent matter come up affecting the religious side of the case, so urgent that we cannot wait to have the advice of the Standing Haj Committee, it is always open to the department to seek the advice of the senior Muslim officers of the Government of India or from the Honourable Muslim Member of His Excellency's Council. Actually within the last twelve months, I can only think of one case on a point of a religious character connected with Haj pilgrimage where we felt impelled to seek advice outside the department and when we could not refer to the Standing Committee: but we are quite ready to seek such advice. Therefore, I would emphasize that the problems of our day to day administration are administrative and not really religious. Now, what is that officer, the Deputy Secretary should do.

An Honourable Member: Not a Deputy Secretary. Say an officer.

Mr. J. D. Tyson: Whether he is an Under Secretary or Deputy Secretary or a Secretary, he cannot evolve any Haj policy of his own, for matters of policy must be in the last resort the affair of the Honourable Member in charge of the Department and of the Government as a whole. It would be the administrative side really that he would tackle. If he is wanted for his advice, as I have said, we have the Standing Haj Committee and we have the Port Haj Committees upon which the Muslim element very rightly preponderates: and if he is wanted for the purpose of visiting pilgrim ships at the time of sailing, that again is a duty, which falls upon the Port Haj Committees. They inspect the ships through their sub-committees. All the functions that I have heard suggested for this officer are really already performed by these largely non-official bodies. Again, abroad, we have Muslim Vice-Consuls both in Hedjaz and in Iraq to watch over the interest of the pilgrims.

I am grateful to Honourable Members for not suggesting that there was any lack of sympathy on the part of the department. Our shortcomings, I think, were imputed to ignorance, for which we were not held blameworthy. I am not joking. I do not want to make a joke, after the fate that has befallen the joke of the Honourable the Commerce Member. I recognise with gratitude that we were not charged in the department with any lack of sympathy or with lack of interest.

An Honourable Member: You will be charged now.

Mr. J. D. Tyson: I am sure the pilgrims themselves who make complaints and Honourable Members opposite who genuinely support them do not realise the very intractable nature of some of the problems that are raised by these complaints. I won't go into details, for Honourable Members opposite have refrained from doing so, but I would only say that during the time immediately before the Haj season, and during the Haj season, the work is extremely heavy and two officers in the department, to my knowledge, have done little else during the last three months but make arrangements whereby Indian pilgrims this year, we hope,

[M. J. D. Tyson.]

will be able, in spite of war conditions, to perform Haj. That, I would say, has involved unremitting toil, and Honourable Members will probably have seen the communique which was issued the other day in which it was announced that such arrangements as had been possible had been made. We have also turned a sympathetic ear to the blandishments of—I hesitate to call him by old friend, Sir Abdul Halim Ghuznavi, and we have opened the Calcutta port as a pilgrim port this year. We have been able—and my Honourable predecessor in this place, whom I am glad to see once more in the House today, may take credit for this for he promised it just before he left to go to another place,—we can take credit for going on with the much needed work in Karachi in the pilgrim camp there,—for going on with it this year and also for making arrangements, if the Budget is passed by this House, to go on with the work on that camp next year. I mention these things to show that we are not sleeping on this problem; it is with us and we are working very hard at it. I think, generally speaking, we may claim that there has been, at any rate, since the time when the Haj Pilgrimage Committee of 1929 reported, a steady, if slow, improvement in the conditions under which pilgrims have performed this necessary religious duty. I could instance the fact that the ships that have been added to the pilgrim fleet since those days, naturally enough but it is a fact, give rise to far fewer complaints than the older ships, and it is legitimate to hope that when further ships are added, they will embody such improvements as will again meet such difficulties as can be met for people who after all can mostly afford to travel only as deck passengers.

Now, Sir, there is an another reason why the House should hesitate to commit itself, in my opinion, to the terms of the Honourable Member's Resolution. It is a reason the force of which I hope the House, as the watchdogs of economy in the administration, will appreciate. I am aware that my friend, the Khan Bahadur, anticipated this objection to some extent but not I think to the full extent. The work connected with pilgrimage, not only with the Haj pilgrimage but with pilgrimage to other holy places recognised by Islam, is very largely seasonal. Though the work is apt to be very heavy just before the Haj season and during the Haj season, I cannot honestly say that the work is on a serious scale during the rest of the year. I do not think, therefore, that on that ground we should be justified in asking the Honourable the Finance Member to make budget provision for a permanent officer to work all the year round on this subject which really gives heavy work for perhaps only six months of the year.

I am afraid, therefore, Sir, that I cannot commit Government to accepting the Resolution which has been moved. At the same time, we are not out to turn a deaf ear entirely to the Honourable Member's plea, and I should like to tell the House that we have already gone some way. I venture to think a considerable way, to meet him during the current year. Though we cannot agree that there is a case for a permanent pilgrim officer, we do appreciate the advantage of having a periodic overhaul of pilgrim arrangements by an officer who can spare the time to visit the ports at times when the ships are sailing, or rather before the ships are sailing and at the time the pilgrims are beginning to collect, and who can even perhaps make a short voyage in one of the pilgrim ships, say Bombay to Karachi or Karachi back to Bombay,—we know they take two days over that—and who can meet the pilgrims on their return and see what they have to say about it in the light of their full experience. Now, Sir, we have

placed a Muslim officer, I may say an experienced Muslim officer of the I. C. S., on special duty for the current Haj season. We think there may be additional difficulties this year,—we are afraid there must almost inevitably be additional difficulties for the pilgrims performing this religious duty in war time, and it is, therefore, perhaps a particularly good year to have a review by an officer who will have nothing else to do but to study this subject on the spot. The officer who has been placed on special duty will also be charged with the task of examining the conditions of pilgrimage to holy places other than the Hedjaz—a subject which is dealt with not of course in this Department but in the Department of External Affairs. Well, I said, Sir, I was glad I have not been charged with a lack of sympathy but a voice which I recognize said “but you will be now”. Sir, I hope we shall not be charged with a lack of sympathy. We have met the Honourable the Mover of this motion the whole way so far as the current year is concerned. He has got really what he wants so far as the current year is concerned. I would ask my Honourable friend, the Mover, of the Resolution to be content with that. Let us see what comes out of the report of this special officer. I would ask him to be content with that, Sir, and, with the leave of the House which I think the House will accord, to withdraw his motion.

Syed Ghulam Bhik Nairang (East Punjab: Muhammadan): Sir, after having had the advantage of listening to the Government point of view about the subject-matter of the Resolution I wish to make it clear—as you will notice from the agenda papers, I was also one of the persons who sent a resolution in identical terms—I want to make it clear that in the minds of those who have tabled this Resolution, there was no idea of charging the Government with lack of sympathy or with anything like *mala fides* about Haj matters in any way. It is not lack of sympathy but I may be pardoned for saying that it is on many occasions lack of knowledge and on most occasions the fact that the Department concerned with the Haj pilgrimage has too many irons in the fire. It may perhaps command the services of a good many smiths as well but the irons are really too many and cannot be forged conveniently by the number of smiths available. If I were to go into details I could show that time and again we find that the same kind of complaints which were brought to the notice of Government on a number of occasions previously crop up again. It appears to us again and again that Government are taking steps to improve the lot of the pilgrims and to redress their grievances—and when Government appear to be taking those steps we have the satisfaction of feeling that something is being done, but very often the result is that the same thing recurs again and again and, in practice, the steps taken by Government fail. I do not say, as the speaker on behalf of the Government thought we said, that the appointment of an officer like the one we want is the only panacea for the evil. I admit that this may not be the panacea but this will certainly be a very effective remedy. It may not altogether cure the malady but it will go a long way to alleviate its severity.

The reason why the same kind of complaints recur again and again is that unless we have one Government officer who is responsible for looking into matters on the spot, for conducting necessary inquiries, if possible by personally visiting the ports and by inspection of the ships

[Syed Ghulam Baik Nairang.]

and other things connected with the pilgrim traffic and by arriving at results based on first-hand knowledge, Government will never have anything but cursory information and will never be in a position to do anything but only in a casual and perfunctory manner. It is for these reasons that I think that it is as much for the benefit of the pilgrims as in the interests of the good name of the Government that a special pilgrim officer of the kind contemplated by the Resolution should be appointed by the Government to be in charge of this work.

It has been said that a senior and experienced Muslim Civilian has been specially put on this kind of duty and what he is engaged in doing and is going to do will satisfy all concerned. We do hope that if an officer is specially charged with the responsibility of looking into the matter and taking the necessary steps, he will certainly be able to do a good deal which will be satisfactory to all concerned. I say "doing a good deal", I do not say "doing all". But what is the objection to having an officer who will be a whole-hogger in charge of this kind of work? I am sure if an officer is so appointed he will have quite enough to keep his hands full all the year round. In other words, you will not have to pay him a salary for holding a sinecure, but he will have enough work to do. It may be that the Government fear that this may involve a lot of expenditure. Although the interpretation put upon the proposal by my Honourable friend, Maulana Zafar Ali Khan, was that the officer appointed should be of the status of a Deputy Secretary, the Resolution itself is very carefully worded. We simply say that a suitable Muslim be appointed as a permanent pilgrim officer in the Secretariat of the Government of India. He need not be a member of the I. C. S. He need not draw a big salary as so many Secretaries and other officers of the Government are drawing. We do not say that, because it will not in any way benefit us. All that we want is an officer specially designated and charged with the duty of looking into all matters connected with the Haj traffic and traffic to the holy places in Iran, Iraq and other countries. If there is an officer of that kind, I think the expenditure which an officer of good status will entail on Government will perhaps not be more than Rs. 1,000 a month at the outside. It may be, in fact, less. I do not think that that amount of money should be grudged for doing a work which has been of sufficient importance for the Government of India to interest itself in for a long time. We know that the work was thought to be important enough for a big Haj Inquiry Committee which went round all over India. We know that the work has been held to be important enough for the Department of Education, Health and Lands to be interested in it and to be charged with the responsibility for it for so many years. Anyhow, it has not been looked upon as so insignificant and so unimportant in its nature as not to be worth the attention of the Government. If it is worth the attention of the Government and certainly it is—then, I think, it is certainly worth the while of the Government to get it done not in the casual way in which it has been done so far but in a spirit of real responsibility. Appoint one man, make him responsible for looking into all the details of the work, give him a number of clerks to assist him, call upon him to visit the ports at the time of the Haj, call upon him to look into all complaints received from the last Haj up to the present moment in anticipation of the next Haj and take suitable steps to remedy such grievances as he himself can take under the present rules framed under

the Indian Merchant Shipping Act. He can be asked to submit proposals for the framing of fresh rules or issuing fresh directions about matters not already provided for. All these things can be done if one officer is made specially responsible for this kind of work. With all deference to the views expressed by Mr. Tyson, I have not yet been able to see what the objection of the Government is. It is all very well to advise us to ask the leave of the House to withdraw the Resolution, that is to say, to convict ourselves out of our own mouth of folly and light-heartedness and confess that in a spirit of levity we gave notice of this Resolution which we now wish to withdraw. Pardon us, we are not going to withdraw it. We are not going to do that. We feel that it is a long-standing grievance of ours and it cannot be redressed unless you appoint one pilgrim officer who is made specially responsible for the kind of work which is to be done in the Secretariat in connection with the Haj. Nothing can be done if you continue to do the work in the casual manner in which it has been done so far. Everybody's work is nobody's work. When you will have one special officer responsible for that kind of work, it will be done properly. With these words, I support the Resolution.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. President, I rise to support the Resolution. I have been a member of the Calcutta Port Haj Committee for the last seven years, and now I am the Chairman of that Committee. The Resolution which my Honourable friend has moved is a very simple one, and I am surprised that my old friend got up to oppose this motion. Why all this fight over this Resolution? The Government have already said they have got a Muslim I. C. S. Officer in the Secretariat to deal purely with Haj affairs. My Honourable friend admits on the floor of the House that he has appointed a Special Officer—a Muslim I. C. S. Officer. He says that the difficulty this year is much more than in the previous years, and, therefore, they have taken the precaution of having a Special Officer appointed, but at the same time he sings another song, namely, that that Officer's work will not keep him engaged for a full year, and, therefore, as his services are required only for the Haj season, they are not prepared to go before the Finance Member for additional money that is required to have a whole time man, or as my Honourable friend says, a whole hogger.

Sir, I submit, a special officer to look after the Haj work will have more than enough work for the whole year. I submit, it is not through lack of sympathy that Government do not appoint a Special Officer, but it is through lack of knowledge of the real conditions of Hajis. It is purely lack of knowledge, not lack of money. I will give this House instances after instances which will prove conclusively that a Special Officer is needed for these pilgrims. Sir, today is the sixth of November. Eighth of January is the Haj day. There are barely two months more. Up to now, not a single announcement has been made to give the intending pilgrims the dates of the sailings of these vessels. I see my Honourable friend, Sir Girja Shankar, is shaking his head. Let me complete what I want to say, and then he can shake his head.

The Honourable Sir Girja Shankar Bajpai (Member for Education, Health and Lands): My Honourable friend, Sir Abdul Halim Ghuznavi, is apparently going to deny us the privilege of any cerebral gesture. The reason why we shook our head was because we felt that to give notice to

[Sir Girja Shankar Bajpai.]

the Italians much in advance of the sailing of these ships, however much it may satisfy the curiosity of my Honourable friend, may not altogether conduce to the safety of the pilgrims.

Sir Abdul Halim Ghuznavi: This is a fine reply indeed. This is a wonderful reply too. The Hajis do not know when the sailings will take place, and my Honourable friend expects the Hajis to assemble at the ports of Karachi, Bombay and Calcutta. He is saying it is my curiosity to know the dates. I have received a telegram this morning which I have passed on to my Honourable friend. This telegram is from the Calcutta Haj Committee. It says that the pilgrims are getting restive in not knowing the dates of the sailings as they must make up their minds whether to go or not to go, and make all the necessary preparations. It may be very good to say that the Italians will torpedo or bomb the ships. Why did not the Government come forward and say plainly, this is the condition of affairs. If the facts were placed before the pilgrims, very likely they might say they would not be willing to perform the Haj. As soon as the Government said they were going to arrange for a convoy to carry these pilgrims, the pilgrims agreed to avail of this opportunity, but you will not disclose the dates of the sailings. They want to know on which date and from where they have to embark. Only two months are left.

Mr. J. D. Tyson: On a point of explanation, Sir. I put out a communiqué a week ago. I cannot tell why the newspapers have not published it. I cannot make the newspapers publish the communiqué. I put out a communiqué a week ago giving the dates on which the pilgrims must be at the ports of sailing, but I cannot give the actual sailing dates. That is not permitted. I have given the dates for the first two lots of ships, the dates by which the pilgrims must be at the ports.

Sir Abdul Halim Ghuznavi: This proves beyond any doubt that you want the services of a Special Officer. He would have seen to it that the communiqué was published in all the newspapers. It would be his duty to see that the Press published it. There is the Associated Press which is subsidised by the Government and you supply the communiqué to the Associated Press. It was its duty to see that it was sent to all the newspapers.

Mr. J. D. Tyson: We have sent a copy of the communiqué to the Port Haj Committees also, and perhaps my Honourable friend, Sir Abdul Halim Ghuznavi, being up here in Delhi, did not receive his copy.

Sir Abdul Halim Ghuznavi: I did not receive it. I got the telegram from the Haj Committee which I passed on to the Honourable Member.

Mr. J. D. Tyson: But we have sent the copy of the communiqué to the Port Haj Committees on Wednesday or Thursday last.

Sir Abdul Halim Ghuznavi: Unfortunately I have not got the copy of the telegram which I received early this morning from the Calcutta Haj Committee. No indication was given to the Haj Committee till yesterday when the telegram was sent to me. They have asked me to find out from the Government of India when the sailings will take place. My Honourable friend just now said that the pilgrims should assemble at these

ports. That is exactly the reason why a Special Officer is needed to see that the communiqués giving the information are posted at the proper time, and that they are not allowed to rest on the shelves. It ordinarily takes three days for a letter to reach Calcutta, but the letters from the Government of India take seven days. That is exactly the reason why a Special Officer is necessary.

I may point out to the House that that is the reason why this portfolio is in charge of Muslim Ministers in the provinces. There must be some significance in this. Yes, it may be by rule or by convention. In Bengal, Bombay and Karachi, the portfolios are in charge of Muslim Ministers.

The Honourable Sir Girja Shankar Bajpai: In Bombay, there are no Ministers now.

Sir Abdul Halim Ghuznavi: When there was the Congress Ministry, it was under a Muslim Minister. But now the Government have taken charge of the entire administration. I was talking of the days when Ministries existed. The significance of this is that the Mussalman Minister has the knowledge that helps. Here we are not asking for any such thing at all; we only want an officer. My friend, Syed Ghulam Bhik Nairang, has just said that it is only a question of a few hundred rupees, and when you are putting taxes upon taxes—a heavy burden was imposed only yesterday,—you surely can find this paltry sum of money for a community from whom you are expecting a whole-hearted co-operation to carry on this war. As one of my friends said, we have not got the money, but we support you with our blood. When my Honourable friend was speaking, I thought he had made up his mind to concede this, but nothing of the kind, and now he asks that the Resolution should be withdrawn. But we are not to be howled out of this House. This is a very important matter so far as the Mussalmans are concerned, and it is only the Mussalmans who can realise the position. There are lots of work to be done which require nearly one full year, and if there is a Special Officer, we know whom to approach. If there are any laches on his part, we can take him to account, but now no one is responsible. Therefore, my appeal to Government is this that, even at this late stage, they should reconsider the position. They have conceded for six months, why not concede for another six months?

Sir, I support the Resolution.

Mawlvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir, when I was at Simla last occasion I entertained great hopes that the Government of India would do what is proper in the matter. But I was thunderstruck when I heard the statement of the Secretary. Perhaps it was due to the fact that there was no notice at that time of this Resolution and Government were doing what was proper in the direction, and after the receipt of the notice Government might have changed their intentions. However, it is due to those hopes that we refrained from giving a long list of grievances. There are so many grievances that a week would not be sufficient for a full description of those grievances. It has been said that there are Standing Haj Committee, Port Haj Committees and Provincial Haj Committees. I see that there are many Honourable colleagues of mine here who are members of the Standing Haj Committee. I know also something about members of other Standing Committees. What

[Maulvi Muhammad Abdul Ghani.]

power have they been given? They cannot even go out of their own accord to help the Hajis or relieve their sufferings during Haj Season at Karachi, Calcutta or Bombay. When the pilgrims assemble in large numbers at ports they do not get any shelter and there is none to look after them. They have to pass sleepless nights and spend money for days together. The Port Haj Committee does not look after them. My Honourable friend, Sir Abdul Halim Ghuznavi, has just said that no information has yet been given to the Port Haj Committee of Calcutta. If these bodies are not even given the necessary information about sailing dates, what can we say about the public? I come from Bihar but up till now I could not come across the name of the members of the Bihar Provincial Haj Committee. As regards lack of work for a whole-time officer throughout the year there is ample work and as an instance I place before you the reply I have just received to unstarred question No. 28 for today:

"Reports of the Amirs-ul-Haj are examined by the Port Haj Committees who forward to the Government of India their recommendations. These recommendations are scrutinised by the Government of India and action is taken where this is possible and justified; if they relate to matters of policy, the Standing Haj Committee is consulted before appropriate action is taken. In view of the practice just described, the report of each Amir-ul-Haj is not separately examined by the Government of India and it is not, therefore, possible to comply with the Honourable Member's request."

These grievances submitted by each Amir-ul-Haj are not separately examined as is evident from the reply, may I ask the Honourable the Secretary what would be the case when the reports of all Amirul Haj differed in matters of grievances. However, I want to place before the House a few instances of grievances. It is due to the colossal ignorance of the department that latrines for the pilgrims at Karachi were constructed facing the Ka'aba. When I put the question the matter was gone into. The other day a handsome amount was sanctioned for the construction of a pilgrims' camp at Karachi. That was stopped in 1938-39 on account of war emergency. If there had been an officer to look after the pilgrims comforts the matter would not have ended like that. There is ample money at the disposal of the Government of India as Quarantine fund and the Government of India pay a large interest on the said deposits. There was no question of economy. The fund is separate.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to continue his speech, he can do so on the next Resolution day.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 7th November, 1940.